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THE

# HISTORY OF WISCONSIN.

IN THREE PARTS,

## Historical, Documentary, and Descriptive.

COMPILED BY DIRECTION OF THE LEGISLATURE OF THE STATE.

BY

WILLIAM R. SMITH,

PRESIDENT OF THE STATE HISTORICAL SOCIETY OF WISCONSIN.

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PART II.—DOCUMENTARY.

VOL. III. II

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MADISON, WIS.:
BERIAH BROWN, PRINTER.
1854.

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# INTRODUCTORY.

THE Documentary History of Wisconsin, as its title implies, necessarily promises to embrace all such matters as tend in any degree to elucidate the true history of the country in its civil and political aspect; also to embody and preserve all local statistics, to which a reference may in future be had, when the mere preservation of such materials will be appreciated very far beyond their present apparent value or significance.

The character of such a compilation is also necessarily desultory, diffuse, and unconnected; except in such degree as that each separate material may at some time, and for some purpose, be considered, if not essential, at least explanatory of, or ancillary to, the true records of a general history.

In gathering together such materials of a Documentary history, a fastidious observer in directing his views solely to the present time, might have reason to complain of the apparent unimportance of the facts exhibited or related; but history itself is no more than a compilation of facts; every matter relative to the age, the locality, the personages, and the events, of which the future historian may

write, becomes to him essentially important; and the combination of these matters, accompanied by philosophical views and just observations, consequently form the history of the country and of the time.

In England, the chronicles of Bede, Matthew Paris, Roger de Wendover, Hollinshead, Baker and others, the Fœdera of Rymer, Rushworth's Collections, the Harleian Miscellany, the State Trials, and various other works, in their character apparently desultory, are still the sources to which the historian must resort, in order to frame an accurate account of personages and events, which in its compilation, arrangement, and comment on the whole, may be dignified with the name of history. The facts collected by Froissart comprise a mine for the historian. Private letters, personal adventures, philosophical opinions of the age, law suits, and religious controversies, often form as proper material for future history, as the details of the more momentous occurrences of the intrigues of courts and the quarrels of rulers; and the perusal of such matters will always afford as much satisfaction, and convey more useful information than any contemplation of the destruction of human life in wars, and the devastation of fertile regions, for whose cultivation man had laboured, and in whose prosperity nations had rejoiced.

Many of our States at this day have abundant reason to regret the want of an embodiment in writing, of the occurrences in the progress of their early settlement, at the time when such matters transpired. The truthful accounts of those events are now sought for with avidity, but often unsuccessfully. Every ancient document and memoran-

dum pertaining in even a slight degree to the statistics of the State in early times, even old tax lists, as showing the names of families and property holders at an early day, are now properly considered as shedding a valuable light to the historian; for, if such documents are necessary to the history of a particular county, they consequently become a component part of the history of a State. The preservation of the personal narratives of early adventurers, the accounts of early improvements of the country in all its aspects, agricultural, manufacturing, and commercial, all demand a present attention. What history of Kentucky would be of importance, if wanting the adventures of the enterprising Daniel Boone? What account of Western Pennsylvania, and the Ohio region, would be complete, without a reference to the journal of Christian Frederick Post?

No apology, then, need be made for the preservation of such materials as the compiler has judged to be, in some measure, now or in future, necessary appendages, if not parts, of a History of Wisconsin. The compilation of such matters rejects the idea of any preservation of order in their arrangement, as to date or subject; it is considered sufficient for all necessary purposes now, that they shall be preserved; and it is hoped by the compiler that from such preservation future benefits may arise to the citizen at least, if not to the historian.

WM. R. SMITH.

*Mineral Point, Iowa County, Wisconsin,*
July 4th, 1854.

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# DOCUMENTARY HISTORY.

## JESUIT RELATIONS.

Of the volumes entitled, "Relation de ce qui s'est passè de plus remarquable aux Mission des Pères de la Compagnie de Jesus, en la Nouvelle France," there are the following in the library of Harvard College, Cambridge, Mass.:—

| | | | |
|---|---|---|---|
| 1633 | Par Paul le Jeune. | 1651–52 | Raguneau |
| 1634 | " " " " | 1652–53 | Francois Le Mercier. |
| 1635 | " " " " | 1653–54 | " " " |
| 1636 | " " and Jean de Brebeuf. | 1655–56 | Jean de Quens. |
| 1637 | " " " F. J. Le Mercier. | 1656–57 | Paul le Jeune. |
| 1638 | " " | | |
| 1639–40 | Vimont and Lalemant. | 1659–60 | No name. |
| 1640–41 | | 1660–61 | Paul le Jeune. |
| 1642 | | 1661–62 | Lalemant. |
| 1642–43 | | 1662–63 | " |
| 1643–44 | | 1663–64 | " |
| 1644–45 | Barthelemy Vimont. | 1664–65 | Le Mercier. |
| 1645–46 | Lalemant and Raguneau. | 1666–67 | " " |
| 1647 | Lalemant. | 1667–68 | " " |
| 1647–48 | Lalemant and Raguneau. | 1668–69 | " " |
| 1648–49 | " " " | 1669–70 | " " |
| 1649–50 | Raguneau. | 1670–71 | Claude Dablon. |
| 1650–51 | " | 1671–72 | " " |

Note.—I have made as careful an examination as I could of these volumes, (excepting the volumes for 1642, 1642–43, 1643–44, which were out of the library at the time of my examination,) without reading them entirely through, and have extracted all that I could find, touching even remotely the history of Wisconsin.—C. W.

The foregoing note is made by my friend, Cyrus Woodman, Esq., of Mineral Point, and is prefixed to the extracts in the original French language, from the several "Relations" above referred to: he has kindly permitted me to copy the original French from his own MS. volume, and I now present my translation of these extracts. I am not aware that there is a more complete copy of the Jesuit Relations to be found in the United States, than that preserved in the library of Harvard College; and even here, we find that three or four annual volumes are wanting. The Society ceased to publish the letters of its missionaries after 1672. I have never seen, nor do I find in any literary catalogue, that there has ever been a complete English translation of the "Relations." The "Lettres Edifiantes et Curieuses" contain some of the "Relations;" but of this work, also, I believe no complete English translation has been hitherto made.—W. R. S.

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*Relation of what took place in New France in the year* 1640. *Sent to the R. P. Provincial of the Company of Jesus, of the Province of France. By Barthelemy Vimont, of the same Company, Superior of the Residence of Kebec. The extract being from a letter of Paul le Jeune to his Superior, Vimont. The letter is dated at Kebec, September*, 1640.

1639–40.

After naming the various tribes dwelling on the north side of the St. Lawrence, and on some of the waters above, he says—

"I have said that at the entrance of the first of these lakes, we meet with the Hurons; leaving them, and sailing higher up into the lake, we find to the north, the Ouasouarimi; higher up are the Outchougai; and still higher up, at the mouth of the river which flows from Lake Nipissin, are the Atchiligouan. On the other side, upon the same shores of this fresh-water sea, are the Amikouai, or the Nation of the Beaver. After the Amikouai, upon the same shores of this great

lake, are the Oumisagai; passing them, we come to Baouichtigouion, that is to say, the nation of the people of the falls, because there is in fact at this place a fall, which casts itself into the lake. Beyond the falls lies the small lake, upon the northern borders of which are the Roquai; to the north of these again are the Mantoue; these people never navigate, living upon the fruits of the earth. Passing this smaller lake, we enter into the second fresh-water sea, upon the borders of which are the Maroumine; still farther on, dwell the Ouinipigou, a sedentary people, and very numerous. Some Frenchmen call them the "Nation of Stinkards," because the Algonquin word Ouinipeg (Winipeg) signifies "stinking water." Now they thus call the water of the sea; therefore these people call themselves "Ouinipigou," because they come from the shores of a sea, of which we have no knowledge; and consequently we must not call them the Nation of Stinkards, but the Nation of the Sea. In the neighbourhood of this nation are the Naduessi, the Assinipour, the Eriniouaj, the Rasaouakoueton, and the Poutouatami. These are the names of a part of the nations that dwell beyond the shores of the great river St. Lawrence, and to the north of the great lake of the Hurons. I will immediately visit the southern shore. I will say by the way that the Sieur Nicolet, interpreter of the Algonquin and Huron languages for 'Messieurs de la Nouvelle France,' has given me the names of these nations, whom he has visited for the most part in their own countries. All these people understand the Algonquin language, except the Hurons, who have a language of their own, as have also the Ouinipigou, or people of the sea. We have been told this year that an Algonquin, travelling beyond these people, has met with nations extremely populous. 'I saw them,' said he, 'assembled as in a fair to buy and sell, in numbers so great that they could not be counted; it gave an idea of the cities of Europe. I do not know how this may be," &c. &c. * * *
Page 130.

*Relation, &c.*, 1640 *and* 1641. *Sent to the Rev. Père Provincial, &c. By Father Barthelemy Vimont, of the same Company, Superior of the residence of Kebec.*

Paul le Jeune, in closing his letter to his superior, says—"Here are a few words from Father Fierre Pijart:—'I have been on a mission to the Tobacco Nation, (or Fire Nation;) I have seen two villages where the Algonquin was spoken, in one of which the men go quite naked, without reserve: it is asserted that the people of the 'Fire Nation' also speak the Algonquin language, and another nation called the Ogauchronons. Here is a fine field for our Fathers who will learn this language, and also something which should animate their zeal. A prisoner of the Fire Nation has informed me that he had heard in his country, that certain people were to be found to the south of these countries, who sowed and gathered their crops of Indian corn twice during the year, and that the last harvest was made in the month of December.

"Whoever will arrest or subdue the rage of the Iroquois, or can point out the means of gaining their good-will, will open the doors of all these countries to Jesus Christ. It is a great happiness which God extends to men, in rendering them participants in the labours of the cross of his Son, in the conversion of souls."—Page 216.

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*Extracts from the second part of the Relations, &c., from June*, 1640, *to June*, 1641, *which extracts are from a letter of H. L'Allemant, to his Superior, dated*

"From the permanent residence of St. Marie at the Hurons, this 19th May, 1641.—About the middle of the autumn, having duly considered our proficiency in the language, and also what had to be done towards those people to whom the gospel had already been published, we found that without doing wrong to the five missions of the preceding year, we

could undertake two new ones; one in the Huron language, and the other in the Algonquin; the latter by favour of two of our Fathers lately arrived from Quebec, having been sent for this purpose."—Page 6.

"Last summer, Fathers Paul Ragneau and Joseph Poncet, from the number of Fathers whom we had stationed among the Hurons at the time of the last Relation, went down to Quebec to pass the winter there, and about the beginning of autumn, Father Claude Pijart and Father Charles Raymbault arrived here for the Algonquin language."—Page 12.

"These Algonquins are of great importance to us, knowing as we do that they have communication with nations in the west, whom we have not yet been able to approach. Perhaps this is the door which God in his good time will open to us, if we are faithful to him in the matter which we now have in hand."—Page 46.

"The Askikganehurons, as we call them, Hurons or Nipissirineens according to the Algonquins, are a nation of the Algonquin language." * * * Page 86. "In summer, they assemble together on the route from the Hurons to the French, on the shores of a great lake which bears their name, distant from Quebec about two hundred leagues, and from our Hurons about seventy."—Page 87.

"Last summer, it pleased God to dispose matters in such a manner, that they resolved to open communications with us by sending several canoes to trade with the French. Happily, they arrived there without hindrance, and nothing could have happened more seasonably for our purposes." Page 88.

"Therefore they were told not to leave their country to come and seat themselves near the other unhoused Algonquins, but rather to receive among them one or two of our Fathers, who would give them instruction. They testified their willingness to this proposal, and, in consequence, Fathers Claude Pijart and Charles Raymbault, coming from below to assist us, were instructed to offer themselves to them, as they came along; but not finding them at their usual place of resi-

dence during the summer, and learning that it was probable that they would winter in our neighbourhood, they arrived here, without having lost the hope of seeing those for whom they had been particularly sent. Their hopes have not been frustrated, for these savages shortly afterwards arrived here, to the number of about two hundred and fifty souls."—Page 89.

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*Relation of what passed at the Mission of the Fathers of the Company of Jesus to the Hurons, in the country of New France, during the years* 1647 *and* 1648. *Sent to the Rev. Father Estienne Charlet, Provincial of the Company of Jesus in the province of France. By Father Paul Raguneau, of the same Company, Superior of the Mission to the Hurons.*

"From the Hurons, this 16th day of April, 1648. * * * From the west of this, eastward, comes a large lake, which is almost four hundred leagues in circumference, and called by us 'the fresh-water sea;' (Lake Huron;)—it has a slight ebb and flow, and at its extremity, farthest from us, has communication with two others, still larger lakes. * * * To the west-south-west, that is to say, almost to the west, we have the Tobacco Nation, (Fire Nation,) who are distant from us only about twelve leagues."—Pages 5 and 6.

"To the north of the Hurons, there are several Algonquin nations who never cultivate the earth, but sustain themselves altogether by the chase or by fishing. These nations occupy the country up to the North Sea, which we judge to be distant from us, in a straight line, more than three hundred leagues; but of this we have no other knowledge, nor of those nations, except that derived from the report made to us by the Hurons, and some of the nearer Algonquins, who go there to trade for peltries and beavers, which are found there in great abundance."—Page 9.

*From the Algonquin Mission, Chapter X.*

"The great lake of the Hurons, called by us 'the fresh-water sea,' four hundred leagues in circumference, one extremity of which washes the base of Our House of St. Mary, extends from east to west, consequently its width is from north to south; it is, however, of a very irregular figure."—Page 63.

"The eastern and northern shores of this lake are inhabited by divers Algonquin nations, Oubaouakamigouk, Achirigouans, Nikikouek, Michisagnek, Paouitagoung, with all of whom we are well acquainted. These last are those whom we call the Nation of the Sault, distant from us, a little more than a hundred leagues; whose consent to a route it would be necessary to have, if one wished to go beyond, to communicate with numerous other more distant Algonquin nations, who dwell upon the shores of another lake, still larger than the 'Mèr-douce,' (fresh-water sea,) into which it discharges itself by a very large and very rapid river, which, before mingling its waters with our 'fresh-water sea,' makes a *fall*, or *leap*, that gives a name to those people who come to live there during the fishing season.

"This superior lake extends to the north-west, that is to say, between the west and the north.

"A peninsula, or strip of land, quite small, separates this superior lake from another, third lake, called by us 'the Lake of the Puants,' which also discharges itself into our fresh-water sea, through a mouth which is on the other side of the peninsula, about ten leagues more towards the west than the Sault. This third lake extends between the west and the south-west, that is to say, between the south and the west, more towards the west, and is almost equal in size to our fresh-water sea. On its shores dwell a different people, of an unknown language; that is to say, a language that is neither Algonquin nor Huron. These people are called the Puants, (Stinkards,) not on account of any unpleasant odour that is peculiar to them, but because they say they came from the

shores of a sea far distant towards the west, the waters of which being salt, they call themselves the 'people of the stinking water.' "—Pages 64 and 65.

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*Relation, &c. &c.*, 1650 & 1651. *By Father Paul Raguneau.*

"All the Algonquin nations who dwell to the west of the ancient country of the Hurons, and where the faith has not yet been able to find its way, are people for whom we cannot have enough compassion. If it be necessary that the name of God be adored, and the cross be planted there, it shall be done in spite of all the rage of hell, and the cruelty of the Iroquois, who are worse than the demons of hell."—Pages 30 and 31.

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*Relation, &c.*, 1653 *and* 1654. *Sent to the Rev. Father Nicholas Royon, Provincial, &c. By the Rev. Father Francis Le Mercier, Superior, &c. Dated at Quebec, this* 21*st day of September*, 1654.

He speaks of the arrival at Montreal of a fleet of canoes loaded with furs, and belonging to friendly Indians, who came from above, a distance of four hundred leagues: a part of these Indians were, he says—

"Tionnontatehronnons, whom we formerly called the 'Tobacco Nation,' of the Huron language, and partly Ondataouaouat, of the Algonquin language, whom we call the 'cheveux-rèlèvez,' (standing hair,) as their hair does not fall downwards, in consequence of their manner of dressing it, which causes it to rise upwards like a crest. All these tribes have abandoned their ancient country, and have retired towards the more distant nations, in the vicinity of the great lake, whom we call the Stinkards, in consequence of their dwelling near the sea, which is salt, and which our savages call stinking water—it is upon the northern side. * * * They are there in great numbers, and more populous than have been any of these countries; many of whom speak languages, to us entirely unknown."—Pages 43 and 44.

A letter from Sillery states that each day they discover new nations of the Algonquin language. * * * Another says, that in the islands of the "Lake of the People of the Sea," whom some persons wrongly call the Stinkards, there are many tribes whose language closely resembles the Algonquin; that it is only nine days' journey from this great lake to the sea, that separates America from China; and that if a person could be found who would send thirty Frenchmen into that country, not only would they gain many souls to God, but they would receive a profit that would surpass the expenses they would be at for the support of the Frenchmen that they might send there, because the finest peltries come in the greatest abundance from those quarters.—Pages 154–55–56.

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*Relation* 1655 *and* 1656.

Extract from the preface, which is written by Jean de Quens, and dated Quebec, 7th September, 1656:—

"About the end of the month of August, there appeared fifty canoes, and two hundred and fifty savages, loaded with the treasures of the country; they came to traffic with the French, and to ask that some of the Fathers of our Company might be sent to instruct them, in the thick forests of their country, distant five hundred leagues from Quebec. At the dawn of so beautiful a day, the dark nights that have passed are forgotten. Two of our Fathers and one of our Brothers embarked with thirty Frenchmen, but the Agneronons, whom we call the Lower Iroquois, and who have never been willing to live at peace with our allies, in an instant cut the thread of our hopes, by attacking these poor people on their return, and killing one of the two Fathers, who was on his way to preach the gospel to them in their own country."—Page 4.

"The 16th day of the month of August, 1654, the savages asked for some Frenchmen to go and pass the winter in their country, and also some Fathers from our company to teach the road to heaven to all the nations in these great countries.

They were responded to after their own fashion, by giving presents, and all that they demanded was willingly accorded to them. But while those who are destined for this great enterprise are preparing themselves, let us understand something new of the two French pilgrims and their future entertainers.

"First, it is right to remark that the Huron language extends all of five hundred leagues to the south; and the Algonquin language more than five hundred leagues to the north. I know very well that there is a slight difference between these nations, but it consists altogether of a few dialects, which are soon learned, and which do not alter the roots of the two principal languages.

"Secondly, there are toward the north numerous lakes that would readily pass for fresh-water seas; the great lake of the Hurons, and another which is in its immediate neighbourhood, are equal in size to the Caspian Sea.

"In the third place, our attention has been directed toward a number of nations in the neighbourhood of the 'Nation of the Sea,' whom some persons have called the 'Stinkards,' in consequence of their having formerly dwelt on the shores of the sea which they call 'Ouinipeg,' that is to say, stinking water. The Liniouek, their neighbours, number about sixty villages; the Nadouesiouack number all of forty; the Ponarak at least thirty; the Kiristinons surpass all these in extent, as they continue as far as the North Sea. The country of the Hurons, which contained only seventeen villages in the space of seventeen leagues or thereabouts, nourished all of thirty thousand persons. A Frenchman told me some time ago, that he had seen three thousand men together in one assembly, for the purpose of making a treaty of peace, in the country of the 'People of the Sea.' All of these people make war upon other more distant nations; so true is it that men act as wolves toward their fellow-men, and that the number of the mad is infinite. These madmen destroy themselves in contending who shall give the law to the others. * * *

While these people were engaged in making their little trades, thirty young Frenchmen equipped themselves in order to accompany them back to their own country, and to bring from thence the skins of dead animals. I gave them, for guides on their path to salvation, Father Leonard Garreau and Father Gabriel Dreuillettes, ancient evangelical workers, well versed in the Huron and Algonquin languages. They were rejoiced to find themselves chosen to be the first to carry the name of Jesus Christ into a country alike replete with tribulation, darkness, and death."—Pages 146 to 151.

Here follows an account of the breaking up of the expedition by an attack of the "Iroquois Agneronons," or Mohawks. See Bancroft, vol. iii. 146.

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*Relations, &c.*, 1669–1660. *Sent to the Rev. Father Claude Boucher, Provincial, &c.*

"The 30th of July, 1660, having ascended into the Saguenè, (Saginaw,) about thirty leagues from Tadoussac, I there found eighty savages, and among them one called Asatanik, a man of consideration, in consequence of his holding the rank of captain." * * * Page 41.

The Father then proceeds to give an account of the travels of this Indian.

"He set out in the month of June, 1658, from the Lake of the Ouinipegouek, which, properly speaking, is only a large bay from that of the Hurons; others call it the Lake of the Stinkards, not because it is salt, like the water of the sea, which the savages call Ouinipeg, that is, stinking water, but because it is surrounded by grounds that are impregnated with sulphur, from whence issue many streams, which carry into this lake the malignity which their waters have contracted at their sources. He passed the rest of this summer, and the following winter near the lake which we call Superior, in consequence of its being *above* that of the Hurons, into which it discharges itself over a fall to which it also gives its name;

and since our traveller has stopped, let us pause for a while with him, that we may observe whatever is remarkable thereabouts.

"This lake, which is more than eighty leagues in length, by forty in width, in certain places is dotted with islands, which spread over it in a pleasing manner near to land. Its shores are fringed all around with Algonquin nations, where the fear of the Iroquois has caused them to seek an asylum.

"It is also enriched on all its borders with mines of lead almost pure; with copper so excellent that it is found quite refined, in pieces as large as the fist; with large rocks, which are intersected with entire veins of turquois. They would even persuade us that it is swelled by divers small streams, which carry with their sands quantities of small grains of gold, which would seem to be the offcasts of the neighbouring mine."—Pages 42 to 44.

Then follows a dissertation and speculation concerning the route to Japan and China, so much sought after about that time; then succeeds an account of the journey of the Indian to Hudson's Bay and other places.—Page 46.

"At last he repaired to within thirty-two leagues from Tadoussac, where, entertaining myself with him, in listening to his adventures and travels, he commenced by informing me of the condition to which the Iroquois had reduced the Algonquin nations about Lake Superior and the Ouinipegs. But I had scarcely returned to Quebec, before I met with two Frenchmen who had just arrived from these upper countries with three hundred Algonquins in sixty canoes, laden with peltries. * * * Page 60.

"They (the two Frenchmen) passed the winter on the shores of Lake Superior, during which time they made several trips among the surrounding tribes. They saw, among other things, at six days' journey beyond the lake toward the southwest, a tribe composed of the remainder of 'Hurons of the Tobacco Nation,' compelled by the Iroquois to abandon their country, and to bury themselves thus deep in the forests, that they could not be found by their enemies.

"These poor people, retreating across mountains and over rocks, through the depths of these vast unknown forests, at length happily arrived at a beautiful river, large, wide, deep, and resembling, they say, our great river St. Lawrence. They found upon its shores the great nation of the Abimisec, who received them with great kindness. This nation is composed of sixty villages."—Pages 61, 62.

The two Frenchmen also visit the Nadsichesec, composed of forty villages, in five of which may be counted all of five thousand men.—Page 64.

"But we must take leave of these people without further ceremony, in order that we may enter upon the territories of another warlike nation, who with their bows and arrows have rendered themselves as formidable to the Upper Algonquins as the Iroquois have to the Lower; they also bear the name of Psalak, that is to say, 'the warriors.'

"As wood is scarce and very small with them, nature has taught them to burn stone-coal in place of it, and to cover their wigwams with skins. Some of the most industrious among them have built mud cabins nearly in the same manner that swallows build their nests; nor would they sleep less sweetly beneath these skins or under this clay, than the great ones of the earth beneath their golden canopies, were it not for their fear of the Iroquois, who come here in search of them from a distance of five or six hundred leagues.

"But if the Iroquois go there, why shall we not also go? if there are conquests to be made, why shall they not be made by the faith, since it has made them in all parts of the world?"—Pages 65, 66.

"The last of these missions of which I shall speak at present, is the one that we commenced this year, at the first opening which presented itself for one, in order that we might not miss any opportunity that God should give us for the conversion of our savages. It is true that the path which we are obliged to travel is still stained with our blood, but it is this blood that increases our courage, as it did that of the elephants spoken of in Maccabees. * * * And the glory of

those who have died for Jesus Christ in this expedition, renders us more jealous than timid.

"In the year 1656, a fleet of canoes containing three hundred of the Upper Algonquins, coming here for the purpose of treating, gave us hopes that by throwing ourselves among them, we might be able to return with them to their country, and there labour for the salvation of these people. Two of our Fathers embarked for this object, but one was obliged to turn back; the other, Father Leonard Garreau, was killed by the Iroquois stationed upon the route that they were obliged to travel. This year, 1660, another fleet of the same Algonquins, in sixty canoes, arrived here; two of our Fathers again cast themselves among them, intending to attempt all routes imaginable; but one of them could go no farther than Montreal, in consequence of the fantastic humour of one of the savages, who would not suffer him to remain in his canoe; the other, who is Father Renè Mènard, has gone on, but we do not know whether some accident has not happened to him similar to the one which befell Father Garreau. * * * If the Father can escape their hands, he will follow the Algonquins even to the middle of the Lake of the Maritime Nation, and of Lake Superior."—Pages 144–147.

"As soon as my Lord Bishop of Petrèe had learned of our intention to commence this mission, it is scarcely credible how much he appeared to favour it. His zeal, which embraces every thing, and to which the ocean could not set bounds, caused him to wish that he might himself be one of these happy exposed ones; and at the expense of a thousand lives, to go and search, in the most profound depths of these forests, the lost sheep for whose welfare he had crossed the seas. * * * It must be acknowledged that the enterprise is glorious, and that it gives promise of an abundant harvest, considering the number of nations that inhabit those countries; but, "euntes ibant, et flebant mittentes semina sua;" this rich harvest can be gathered only by watering these grounds with sweat, with tears, and with blood."—Pages 148, 150.

Here follows a description of the life which a missionary should resolve to lead.

"In a word, we must be barbarous with these barbarians, and say with the apostle, 'Græcis ac barbaris debitor sum;' act the savage with them, and cease almost to live as men, in order to make them live as Christians. Such is the life that Father Mènard has led among the Hurons and the Iroquois, where he has made his first essay in that which he has undertaken, and from which he expects a great deal, as he makes it appear in a letter which he wrote in haste to one of his friends, to whom he bids a last adieu in the following terms:

"'Reverend Father. Pax Christi.

"'I write you probably the last word, which I wish to be a seal to our friendship, even to eternity; 'ama quem Dominus Jesus non dedignatur amare, quamquam maximum peccatorem; amat enim quem dignatur sua cruce,' that your friendship, my good Father, may be useful to me in the desirable fruits of your holy sacrifices. In three or four months you may place me to the memory of the dead, as a consequence of the manner of life of these people, my age and feeble constitution; notwithstanding which, I have felt such powerful instincts, and I have seen in this business so little of nature, that I cannot doubt that having failed to take advantage of this occasion, I should feel therefor an eternal remorse. We have been a little surprised at not being able to procure for ourselves clothing and other things; but He who feeds the little birds and clothes the lilies of the fields will take care of his servants; and should we perish in our trials, it will be to us a great happiness.

"'I am overwhelmed with business; all that I can do is to commend our journey to your prayers, and to embrace you with the same affection with which I hope to greet you in eternity.

"'Rev. Father, your very humble and affectionate servant in Jesus Christ, R. Menard.

"'From the Three Rivers, this 27th August, two hours after midnight, 1660.'"—Pages 151, 152.

*Relation of the most remarkable things that passed at the mission of the Fathers of the Company of Jesus in New France, during the years* 1662 *and* 1663. *Sent to the Rev. Father Andrè Castillon, Provincial of the Province of France. By Jerome Lalemant.*

Lalemant, in his preface, which is dated Kebec, 4th September, 1663, says—

"The past makes us hope every thing for the future; Canada being a work of God, and the conversion of the savages having been the principal motive for establishing the colonies which have been planted there. The Fathers of our company have there expended their labours, their sweat, and their blood; out of twelve who have ended their lives there, ten have either been massacred and burned, through the fury of the Iroquois, or have perished in the snows, pressing forward to the conquest of souls. This year we have heard of a similar death of one of our oldest missionaries, Father Renè Menard. He had penetrated into the interior five hundred leagues, carrying the name of Jesus Christ to places where it had never before been adored. We have need of missionaries who will undertake the labours of those who already have found in them so happy a death."

## CHAPTER VIII.

Of the mission of the Outaouax, and of the precious death of Father Renè Menard, and of that of his faithful companion.

We are about to view a poor missionary, worn out with apostolical labours, in which he has grown gray—burdened with years and infirmities—harassed with an unpleasant and painful voyage, all dripping with sweat and with blood, perish alone in the depths of the forest, five hundred leagues from Quebec; left a prey to ravenous beasts, to hunger, and to calamities of every description; and who, according to his wishes, and even to his prophecy, imitated in his death

the self-devotion of St. Francis Xavier, whose zeal during his life he had so perfectly imitated. It is Father Renè Menard, who for more than twenty years has laboured in these rude missions, where at last, having lost himself in the forest, still seeking for the lost sheep, he has happily consummated his apostleship by the loss of his strength, his health, and his life. It has not been the will of heaven that any one of us should receive his last sighs; those forests alone have been their depository; and some rock-bound hollow, into which, perhaps, he has cast himself, has been the sole witness of the last transports of love which his burning heart has yielded up to heaven with his soul, which he has surrendered to his Creator while he was actually pursuing the path to the conquest of souls.

Here is the little that we have learned by a letter from Montreal, dated July 26th, 1663:—"Yesterday, God sent to us thirty-five canoes of Outaouaks, with whom have returned seven Frenchmen out of nine, their former number; the two others, who were Father Renè Menard and his faithful companion, called Jean Guerin, have gone by another path to meet each other, sooner than these, at the certain portal of our common country. Two years have elapsed since the death of the Father, and Jean Guerin has been dead about ten months. The poor Father and the eight Frenchmen started from the 'Three Rivers' the 28th of August, 1660, with the Outaouaks, and arrived at their country on the 15th of October, St. Theresa's day, after inconceivable labours, bad treatment from their boatmen, in the highest degree inhuman, and an extreme scarcity of provisions; so much so, that the Father at last could scarcely sustain himself, being besides of a feeble constitution, and broken down with toil. But, as one travels very far after being tired, so had he sufficient courage to reach the wigwams of his hosts. One, named 'the Pike,' chief of this family, a proud and vicious man, who had four or five wives, treated the Father very badly, and at last obliged him to withdraw from his wigwam and to build himself

a hut with pine branches. O God! what a dwelling-place during the rigours of winter, which in those countries are almost insupportable. The nutriment was scarcely better; often their only food was a miserable fish boiled in clear water, to be divided among four or five; and this they owed to the charity of the savages, bestowed upon some one of them who waited on the shore for the return of the fishermen's canoes, as the poor mendicants await the distribution of alms at the church doors. A certain moss that grows upon the rocks has often served them for a good repast; they put a handful of it into their boiler, which slightly thickened their water, forming upon it a kind of foam or slime similar to that of snails, and which served rather to nourish their imagination than their bodies.

"The fish-bones, which they carefully preserve when fish are abundant, also served to amuse the appetite in times of necessity; there is nothing, even to pounded bones, of which these poor starving creatures cannot make a profitable use. Many species of wood also furnish them with provisions: the barks of the oak, the birch, the bass, or white wood, and of other trees, well dried and pounded, then put into the water in which fish have been boiled, or else well mixed with fish oil, furnishes them with excellent ragouts. They eat acorns with more relish and greater pleasure, than persons in Europe do chestnuts; and with all, there is never enough to satisfy their hunger.

"Thus passed the first winter; during the spring and summer, they fared a little better, as they were able to hunt occasionally. They killed from time to time a few ducks, bustards, or turtle-doves, which afforded them delicious banquets; raspberries and other small fruits of the kind were to them the most grateful refreshments: in those countries they know nothing of corn or bread.

"The second winter setting in unexpectedly, the Frenchmen having observed the manner in which the savages took their fish, resolved to follow their example, judging that hunger was

more difficult to support than the great hardship and risk of these fishing expeditions. It was a sight worthy of pity to behold, on these great lakes, rolling sometimes like the sea, some of these poor Frenchmen in canoes, through rain and snow, tossed here and there, the sport of the whirlwinds: often, on their return, they have discovered their hands and feet to be frozen. Sometimes they have been assailed by such a cloud of drifting snow, driven by the violence of the wind, that the person who was steering could not discern his companion at the bows of the canoe. What means, then, had they to reach the post? Certainly, each time that they landed in safety, it seemed to them that a miracle had been performed. When their fishing was successful, they set aside a portion of their fish, which they smoked, and these served them as food when the fishing time was over, or when the season no longer admitted of their venturing out.

"In that country there is a certain plant, about four feet in height, that grows in marshy places: a little while before it begins to head, the savages go in canoes to bind the stems of this plant together in tufts, and separating them from each other, so that a canoe may pass between them when they return to gather the grain. The time for harvesting having arrived, they paddle their canoes into the little alleys which they have contrived across these fields of grain, and bending over the tufts thus bound together, they shake out the grain into the canoe. When the canoe is full, they go to the shore, and empty it into a ditch dug close to the water's edge, and then with their feet they trample, and roll it about, until the chaff is entirely separated from the grain; afterward it is dried, and finally they put it into boxes made of bark, in order to preserve it. This grain, when in a crude state, very much resembles oats, but being boiled in water, it swells up more than any of the grains of Europe.

"If these poor Frenchmen were almost destitute of all that could refresh the body, in recompense they were consoled by the grace of heaven. While the Father was in life, they had the holy mass every day, and confessed themselves, and re-

ceived the communion nearly every eight days. After the death of the Father, they were preserved in the integrity of their faith and purity of their manners by the union and good understanding in which they had always lived together; and further, by a holy Christian liberty which some of the company assumed, to reprove those who in the absence of restraint gave themselves up to levity.

"As for the death of the Father, I here give you all that I have been able to learn about it. During the winter that he passed among the Outaouaks, he commenced a church among those barbarians, quite small, it is true, but precious, indeed, because of the tears and the sweat it had cost him. It appeared also to be composed of the predestined only, the greater portion of whom were young children in a dying condition, and these he was obliged to baptize in secret, as their parents always concealed them when he entered their cabins, being in the old error of the Hurons, that baptism caused their deaths. Among the adults were two old men, whom grace had prepared for Christianity."—Pages 96 to 107.

Here follows an account of them, and also of some good women whom he numbered among his converts, one of whom, a widow, passed for a saint among the savages, and consecrated her widowhood to chastity.

"These are the fruits of the labours of Father Menard, small in appearance, but requiring great courage, great zeal, and a great heart to endure such great fatigues, and to go so far to attain so trifling a result; although it ought not to be called trifling, when there is question of but a single soul saved, for whom the Son of God has not spared his sweat and blood, the price of which is infinite.

"Except these elect, the Father, among the remainder of these barbarians, encountered nothing but opposition to the faith, a consequence of their great brutality and infamous polygamy. The little hope he entertained of converting these savages steeped in all manner of vices, caused him to form the resolution of undertaking a new journey of a hundred leagues, in order that he might instruct a nation of poor Hurons, whom

the Iroquois have compelled to fly almost to the extremity of this world. Among these Hurons there were many old Christians who urgently demanded the presence of the Father, and promised him that on his arrival among them, all the rest of their compatriots would embrace the faith. But before starting toward this distant country, the Father requested three young Frenchmen of his company to go before and reconnoitre, make presents to the old men, and assure them from him that he was ready to go and instruct them, as soon as they would send persons to conduct him.

"These three Frenchmen, after many hardships, finally arrived at the dwellings of this poor starving nation, and on entering their cabins, they found the inmates reduced to mere skeletons, and so weak that they could scarcely move, or stand upon their feet."—Pages 110 to 112.

After encountering many difficulties, and losing their canoe, which was stolen from them, they returned. The Relation says nothing of the route which these three Frenchmen took, except as follows:—

"Again they put themselves on the road in order to return, which they found to be much more difficult than going, as they had to ascend the river, in place of descending it, as had formerly been the case.

"They informed the Father at once, of the little likelihood of success a poor old man, decrepid, weak, and destitute of provisions as he was, had in undertaking such a voyage. But they might well detail to him and set before his eyes the difficulties of the route, either by land or water; the multitude of rapids, of waterfalls, and long portages; the precipices to be passed; the rocks over which he would have to drag himself; the dry and sterile grounds where nothing can be found on which to support life;—all this could not intimidate him; he had but one reply to make to these affectionate followers: 'God calls me there; it is necessary for me to go, even though it costs me my life. Did not St. Francis Xavier,' said he to them, 'who appeared so necessary to the world for the conversion of souls, die while endeavouring to obtain an

entrance into China? and shall I, who am good for nothing, refuse, for the fear of dying on the road, to obey the voice of my God, who calls me to the succour of these poor Christians and catechumens, for so long a time deprived of a pastor? No, no! I cannot suffer souls to perish, under pretext of preserving the body of a wretched man like myself. How! must we serve God, must we aid our neighbour only when there is nothing to be suffered, or any risk of life to be run? Here is a most fortunate opportunity of showing to angels, and to men, that I love my Creator more than the life which I hold from him, and you wish me to let it pass by! Should we have ever been redeemed if our dear Master had not preferred obedience to his Father touching our salvation, to his own life?'

"Behold then the resolution taken to go in search of these poor lost sheep; some Hurons having come to treat with the Outaouaks, offered themselves to the Father to be his conductors; he was fortunate in having met with them; he loaded them with a few clothes, and made choice of one of the Frenchmen, who was a gunsmith, to accompany him. The entire stock of provisions that he took with him, consisted of a bag of dried sturgeon, and a small quantity of smoked meat, which for a long time he had saved on purpose for this journey. His last adieu made to the Frenchmen whom he left behind, was couched in these prophetical terms: 'Adieu, my dear children,' he said, while embracing them, 'I bid you a last adieu for this world, for you will never see me again. I pray His divine goodness that we may be reunited in heaven.'

"Behold him then on the road the 13th June, 1661, nine months after his arrival in the country of the Outaouaks. But the poor Hurons, lightly burdened as they were, very soon lost courage, their strength failing them for want of nourishment. They abandoned the Father, in telling him that they were hastening forward to their village, to apprize the old men of his being on the way, and to induce them to send out young and robust men in quest of him. The Father, hoping for this succour, remained by a lake about fifteen days; but as his provisions began to fail, he resolved to continue his

journey with his companion, by means of a small canoe that he had found in the brushwood: they embarked with their little packages. Alas! who will be able to tell us of the sufferings endured by that poor emaciated body, throughout this vogage, from hunger, heat, lassitude, and the portages over which it was necessary to transport on their shoulders their packages and their canoe; their only consolation being, every day to celebrate the holy mass. Finally, about the 10th of August, the poor Father, while following his companion, lost himself by mistaking some trees, or some rocks, for others. At the end of a portage round a rapid in the river, painful enough, his companion, looking behind, perceives that the Father is no longer following; he searches for him—he calls him—five times he fires off his gun to recall him to the right path—but all in vain. This caused him to resolve to hasten forward to the Huron village, which he judged to be near at hand, that he might hire persons at any price to go in search of the Father. But unfortunately he lost himself, and passed by the village without knowing it. He was, however, more fortunate in his wanderings than the Father, having been met by a savage who put him right, and conducted him to the village. But he did not arrive there until two days after the Father had been lost, and then what could a poor man do, who did not know a single word of the Huron language? Nevertheless, as charity and necessity are always eloquent, he did so well by his gestures and tears, that he gave them to understand that the Father was lost. He promised several French articles to a young man, to induce him to go in search of the Father: at first he appeared willing to do so, and started on his mission; but two hours had scarcely elapsed, when here comes my young man back, crying, 'To arms! to arms! I have just encountered the enemy.' At this noise, all compassion that they had conceived for the Father vanished, and, with it, the desire to go in search of him.

"Behold him thus abandoned, but still in the hands of Divine Providence, which doubtless has given him strength in this extremity to endure with constancy the bereavement of all

human assistance, while constantly assailed by the piercing bills of mosquitoes, the numbers of which in these quarters are frightful, and so unendurable, that the three Frenchmen who have made the journey assert that there were no other means of self-defence than to run on, always without stopping; and even that it required two of them to keep off these insects, when the third wished to drink, otherwise he was unable to quench his thirst.

"Thus the poor Father, stretched upon the earth, or perhaps on some rock, lay exposed to the sharp bills of these little tyrants, and, as long as he survived, continued to suffer this torment, to which hunger and other miseries finally put an end, and released this happy soul from its body, to go and enjoy the fruits of the many hardships he has suffered for the conversion of these barbarians.

"As for his body, the Frenchman who accompanied him, has done all that he could to induce the savages to go in search of it, but without effect: neither can the day and hour of his decease be precisely ascertained. The companion of his journey judges that it was about the Assumption of the Virgin; for he says that he had with him a piece of smoked meat about as large as the hand, sufficient to sustain himself two or three days.

"Some time afterward the Father's sack was found by a savage, but he would not acknowledge to have found his body, for fear of being accused of having killed him, which perhaps is only too true, as these barbarians make no scruple of cutting a man's throat, when they meet with him alone, in hopes of getting some booty; and in fact, the remnants of some of the furniture used in his chapel have been seen in an Indian cabin.

"Whatever may have been the manner of his death, we do not doubt that it has pleased God thus to crown a life of fifty years, the best part of which was spent in the Huron, Algonquin, and Iroquois missions."—Pages 110 to 124.

Here follows a glowing description of his character, and afterward an account of his faithful companion, Jean Guerin, who had served the mission as a domestic for more than

twenty years. The account speaks of his eminent virtue and his ardent zeal for the salvation of souls.—Page 129.

"He had no sooner heard of Father Menard's death, than he resolved immediately to quit the Outaouaks, among whom he had been left, to go in search of the Father's body. But God had other designs upon him; he was established as missionary-in-chief to that poor church, which had never as yet rejoiced in a pastor.

"He there baptized more than two hundred infants, whom he very soon afterward sent to heaven, there to crown the Father with a splendid diadem of these little predestined ones, for whose salvation, and in search of whom, he had sacrificed his life."—Page 131.

Guerin was accidentally killed by the discharge of a musket. Some further account of him is given, and also some fragments of letters written by Père Menard, on the point of his departure from Montreal to Lake Superior.

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*Relation, &c.*, 1663 *and* 1664. *Sent to the Rev. Father Provincial of the Province of France; written by Hierosme Lalemant. Dated Quebec, August 30th*, 1664.

The first chapter in the volume is headed thus: "From the Algonquin church, near the Outaouaks," and is interesting as containing letters from Father Menard, which he dates thus: "At the Outaouaks, in the Bay of St. Theresa, a hundred leagues above the Sault, in Lake Superior; the first day of March, and the second of July, 1661." Lalemant, in the Relation, says—

"Since last year, some fragments of letters have fallen into our hands, written by the Father (Menard) after his departure from the Three Rivers. * * * He thus commences a letter, arranged in the form of a journal, which he wrote from the country of the Outaouaks, after having at last arrived there.

"Our voyage has been very fortunate, thanks be to God, in

regard to our Frenchmen having all arrived in good health about the middle of October."—Page 3.

Then follows an account of the hardships of the journey, of the brutality of the Indians who accompanied him, and of the sufferings from hunger, sustained by himself and his companions. He continues—

"But it was much worse, when having at last arrived at Lake Superior, after undergoing all these fatigues, in place of the repose and refreshments that we had been led to hope for, there, our canoe was broken by the falling of a tree, and so much damaged that it was useless to think of repairing it; all left us, and we remained alone, three savages and myself, without provisions and without a canoe. We remained in this condition six days, living upon the off-scourings, which, to keep ourselves from starving, we were obliged to scratch up with our nails, from about a cabin at that place, which had for some time been abandoned. We pounded up the bones that were lying about, to make broth of them; we collected the blood of animals that had been killed, with which the earth was imbued; in a word, every thing that could be found was used as nourishment. One of us was always on the watch near the shore, to ask charity from the by-passers, from whom we received a few pieces of dried meat, which prevented us from starving; until at last they took pity on us, and came with canoes to transport us to the place of rendezvous, where we intended to pass the winter. It is a large bay to the south of Lake Superior, where I arrived on St. Theresa's day, and had the consolation of saying mass, to repay myself with usury for my past misfortunes. Here I began my mission, which is composed of the fugitive church of Christian savages nearest to our French habitations, and of those whom the mercy of God has attracted to this place."—Page 9, 10.

Here follows a particular account of four neophytes, and then he continues—

"As to the other Christians who compose this church, they are few in number, but they are select, and give me a great deal of satisfaction. I have been unwilling to admit so great

a number, contenting myself with those who I judged would persevere constantly in the faith during my absence; for I know not as yet what will become of me, nor on which side I shall turn; but I should do myself a great violence should I resolve to descend from the cross that God has prepared for me in my old days, in this extremity of the world. There is not a single throb of my heart to revisit Three Rivers. I do not know the nature of the rivets that hold me fast to this adorable station, but the mere thought that some one is coming to detach me from it, gives me trouble, and I often awaken with a start, in the thought that there are no more Outaouaks for me, and that my sins have put me back into the same place from whence the mercy of my God had by a signal favour withdrawn me. I can say with truth that I have felt more contentment here in a single day, notwithstanding cold, hunger, and other almost inexplicable inconveniences, than I have experienced during all my life in any part of the world where I have been.

"I have often heard it said of Father Daniel and of Father Charles Garnier, while they were among the Hurons, that the more they saw themselves forsaken and removed from all human sympathies, the more had God occupied their hearts, and had caused them to feel how much his holy grace raised them above all pleasures imaginable, to be found among earthly creatures. This little consolation which it has pleased God to give me here, has compelled me to acknowledge this secret, and has made me prize more than I ever could have supposed, the good of finding myself all alone here among these barbarians, five hundred leagues from our French settlements.

"I hear every day four populous nations spoken of, that are distant from here about two or three hundred leagues: I expect to die on my way to them, but as I am so far advanced, and in health, I shall do all that is possible to reach there. The route most of the way lies across swamps, through which it is necessary to feel your way in passing, and to be in danger every moment of sinking too deep to extricate yourself again; provisions, which can only be obtained by carrying

them with you; and the mosquitoes, whose numbers there are frightful, are the three great obstacles which render it difficult for me to obtain a companion. I am in hopes of throwing myself among some savages who intend undertaking this journey. God will dispose of us according to his will for his greatest glory, for life or for death; it will be a great blessing from our beneficent God, to call me to himself in so good a station."—Pages 20–23.

"Those are the last words with which the Father concludes his letters, which he dates the first of March and the second of July, 1661.

"He began his journey as he had projected, and has there happily terminated his career, as we have related in the last chapter of the Relation of the past year.

"This year another of our Fathers prepared himself to go and take his place, but unfortunately the Outaouaks, having this summer gone down to Montreal sooner than usual, the Father, not being able to reach there in time, has lost the opportunity of going up with them. On the first occasion, however, that presents itself, he will go to cultivate this nascent church, in which Father Menard has left, as he writes, from the time of his first wintering there, fifty adults baptized, many sick persons, and a world of savages to be instructed."—Page 24.

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*Relation, &c., 1664 and 1665. Chapter III. Of the arrival of the Upper Algonquins at Quebec, and of the mission of Father Claude Allouez to these people. By Francis Le Mercier. Quebec, November 3d, 1665.*

"While these advanced bodies waited at the Three Rivers for a favourable wind to cross and go beyond Lake St. Pierre, they had the pleasure of witnessing the arrival of about a hundred canoes of Outaouaks, and some other savages of our allies, who came from the region of Lake Superior, about four or five hundred leagues from here, to carry on their ordinary commerce, and to supply themselves with what they need, giv-

ing us in exchange their beaver skins, which are very abundant with them. A Frenchman, who had followed them the year preceding, and who has accompanied them in their journeys, report to us that there are among these nations more than a hundred thousand combatants; that the ravages of war are there continual; that the Outaouaks are attacked on one side by the Iroquois, and on the other by the Nadouessiouax, a warlike people, more than six hundred leagues from here, who carry on other cruel wars with nations still more distant; and that there are more than a hundred villages, of divers laws and customs."—Pages 29, 30.

"Those are not the greatest enemies to be encountered by Father Claude Allouez, upon whom has fallen the lot of this great and painful mission. He has waited at Montreal a long time for some savages from these more distant upper nations, that he might go up with them to their own country, and make of it a Christian land. A band of sixty Nepissiriniens having taken the lead, he received them as angels of this new church; it is thus that he names them in a letter that he has written in the following terms:—

"'At last it has pleased God to send us the angels of the Upper Algonquins to conduct us to their country, to aid them in establishing there the kingdom of our Lord. It was last Thursday, 20th July, after I had said a mass devoted to this project, in honour of Saint Ignatius and Saint Xavier, that they arrived about noon, after a voyage of eight days, from the Sault of Lake Superior.'"—Page 32.

"Father Allouez joined them, and followed them to their country to publish the faith throughout these vast regions, and at the same time to carry them the good news of the succour coming from France, which will at length deliver them from the Iroquois. Monsieur de Tracy charged the Father with three presents, which he was to deliver to these people on his arrival among them."—Page 38.

Le Mercier speaks of the death of Père Menard and Père Leonard Garreau, and then adds—

"It may be that the Father who leaves with them will

very soon meet with a similar fate; but a truly apostolical man is content to die anywhere, as the entrance into Paradise is everywhere to be found. If it be a happy death, according to the world, to perish in battle, in the service of one's prince, who, after all, cannot reward the dead, as his power does not extend thus far—have not those who die in the service of the King of kings, a death a thousand times happier, as they receive their reward in eternity!"—Page 40.

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*Relation, &c.*, 1666 *and* 1667. *Sent to the Rev. Father James Bordier, Provincial, &c. By Francis Le Mercier. Kebec, November* 10*th*, 1667.

At chapter ii. and page 15 of this volume, commences the Relation of the mission of the Holy Ghost, among the Outaouaks at Lake Tracy, formerly called Lake Superior.

This Relation, extending from chapter ii. to chapter xvi., both inclusive, is very interesting, and is indispensible in arriving at a knowledge of the character and services of Père Allouez, but I have time to extract only what principally relates to the history of that part of the country now known as Wisconsin.—C. W.

Father Le Mercier commences chapter ii. thus: "Journal of the travels of Father Claude Allouez in the country of the Outaouaks."

"It is more than two years since Father Claude Allouez set out upon this great and laborious mission; to this end he has travelled nearly two thousand leagues, traversing those vast forests, suffering hunger, nakedness, shipwrecks, fatigues by day and night, and the persecutions of idolaters. But at the same time he has had the consolation of carrying the torch of the faith to more than twenty infidel nations. We cannot better become acquainted with the fruits of his labours than by the journal that he has been obliged to keep. He commences in this manner:—

"'The eighth day of August of the year 1665, I embarked

at 'Three Rivers' with six Frenchmen, in company with more than four hundred savages of divers nations, who were returning to their homes, after having finished their traffic, for which they had come here.' "—Pages 15, 16.

Here follows a particular account of his journey from 'Three Rivers' to Lake Superior, and then he says—

"Toward the beginning of September, after having coasted along the shores of Lake Huron, we arrived at the Sault; it is thus that they call half a league of rapids in a beautiful river, that forms the junction of the two great lakes, Huron and Superior.

"It was therefore on the second of September, after having surmounted this Sault, which is not a waterfall, but only a very violent current obstructed by numerous rocks, that we entered into the upper lake, which will hereafter bear the name of Monsieur Tracy, in acknowledgment of the obligation under which the people of this country are to him.

"The form of this lake is almost that of a bow, the southern coast being very much curved, and that of the north almost a straight line. The fisheries are abundant, the fish excellent, and the water so clear and transparent that one can see to the depth of six fathoms, what lies at the bottom.

"The savages respect this lake as a divinity, and sacrifice to it, either on account of its magnitude, for it is two hundred leagues in length, by eighty its greatest width, or because of its bounty in supplying the fish that nourishes all these people, in the absence of game, which in this vicinity is very rare.

"They often find at the bottom of the water, pieces of pure copper, weighing from ten to twenty pounds. I have often seen them in the hands of the savages, and as they are superstitious, they look upon them as so many divinities, or as presents made to them by the gods who are at the bottom of the lake, to be the cause of their good fortune; for this reason they preserve these pieces of copper, wrapped up among their most precious movables; there are some who have preserved them for more than fifty years; others have had them in their families from time immemorial, and cherish them as household gods.

"For some time there was visible a great rock entirely of copper, the top of which projected above the surface of the water; this gave occasion to by-passers to go and cut off pieces from it. Nevertheless, when I passed by that place, nothing could be seen of it. I believe that the storms, which here are very frequent, and similar to those on the sea, have covered this rock with sand; our savages wanted to persuade me that it was a divinity, and had disappeared for some reason which they did not state.

"As for the rest, this lake is the abode of twelve or fifteen different nations, some coming from the north, some from the south, and others from the west, and all repairing to the shores most appropriate for fishing, or to the islands, which are very numerous in all parts of this lake. The intention of these people in repairing to this place is partly to seek a livelihood by fishing, and partly to carry on their little commerce with each other, when they meet together. But the design of God has been to facilitate the publication of the gospel to a wandering and vagrant people, as will appear in the sequel of this journal.

"Having then entered into Lake Tracy, we employed the whole month of September in coasting along the southern shores, where I had the consolation of saying the holy mass, having found myself alone with our Frenchmen, which I had not been able to do since my departure from Three Rivers.

"After having consecrated these forests by this holy action, to complete my happiness, God conducted me to the borders of the lake, and put me in the way of two children whom they were embarking to go into the interior. I felt strongly inspired to baptize them, and after all necessary precautions, I did so, considering the danger they were in of dying during the winter.

"All past fatigues were no longer regarded by me; I was inured to hunger, which always closely followed us, having nothing to eat but that which our fishermen, (who were not always successful) supplied us with from day to day.

"We afterward passed the bay, named by the late Father Menard 'St. Theresa.' It was here that this generous missionary wintered; here labouring with the same zeal which caused him afterward to yield up his life, searching after souls." —Pages 32 to 38.

CHAPTER III.

Of the arrival and residence of the missionary at Chagouamigong.

After having gone a hundred and eighty leagues along that coast of Lake Tracy which looks toward the south, where it has pleased our Lord to put our patience to the proof, through tempests, famine, and fatigues by day and night; finally, we arrived on the first day of October at Chagouamigong, for which we have for so long a time looked forward.

It is a beautiful bay, at the bottom of which is situated the great village of the savages, who there plant their fields of Indian corn, and lead a stationary life. They are there, to the number of eight hundred men bearing arms, but collected from seven different nations, who dwell in peace with each other, thus mingled together.

This great collection of people has caused us to prefer this place before all others, at which to fix our ordinary residence, that we might with greater convenience attend to the instruction of these infidels—erect a chapel there—and commence the functions of Christianity.—Pages 41, 42.

Here follows an account of some of the common duties of his mission.

CHAPTER IV.

General Council of the nations of the Ottawa Country.—Page 46.

CHAPTER V.

Of the false gods, and some of the superstitious customs of the savages of this country.—Page 51.

## CHAPTER VI.

Relation of the Mission of the Holy Ghost at Lake Tracy.

After a rough and tedious voyage of five hundred leagues, encountering all manner of annoyances, the Father, directing his course toward the extremities of the great lake, there found that, upon which to exercise the zeal that had caused him to endure so much hardship in laying the foundations of the missions of which we are about to speak. Let us begin with that of the Holy Ghost, which is the place of his residence. Here is what he says about it:—

"This quarter of the lake where we have stopped, is between two large villages, and, as it were, the centre of all the nations of these countries; because fish are abundant there, which forms the principal subsistence of these people. We have erected there a small chapel of bark, where my sole occupation is to receive the Algonquin and Huron Christians, instruct them, baptize, and catechise the children," &c.—Page 63, 64.

The remainder of the chapter is devoted to an account of his ordinary labours as a missionary among the Indians.

## CHAPTER VII.

Of the Mission of the Tionnontateheronnons.

The Tionnontateheronnons of the present day are the same people that were formerly called the "Hurons of the Tobacco Nation." They have been constrained, as well as the others, to quit their country to avoid the Iroquois, and to retire toward the extremity of this great lake, where the distance and the lack of the chase secures to them an asylum from their enemies. Formerly they formed a part of the flourishing church of the Hurons, and had the late Father Garnier for pastor. * * *

They have their village quite near to our residence, (at the Bay of the Holy Ghost,) which has afforded me the means of undertaking this mission with more assiduity than the others more distant.—Page 75.

## CHAPTER VIII.

Of the Mission of the Outaouacs, Kiskakoumac, and Outaouasinagouc.

I here connect these three nations, because they speak the same language, which is the Algonquin, and form together a single village, which corresponds to that of the Tionnontateheronnons ; our residence is between them.

The Outaouacs pretend that the great river belongs to them, and that no nation can navigate it without their consent ; this is the reason why all those who go to trade with the French, although of very different nations, bear the general name of Outaouacs, under the auspices of whom they make this voyage. The ancient abode of the Outaouacs was a district of Lake Huron, from whence the fear of the Iroquois has driven them, and to which all their desires tend, as to their native country.—Page 80.

## CHAPTER IX.

Of the Mission of the Pouteouatamiouec.

The Pouteouatami are people who speak the Algonquin, but much more difficult to understand than the Outaouacs. Their country is about the Lake of the Ilimouek ; this is a great lake that has not yet come to our knowledge, adjoining the lake of the Hurons, and that of the Puants, between the east and the south. They are a warlike people, hunters and fishers ; their country is very good for Indian corn, of which they plant fields, and to which they very willingly retire to avoid the famine that is too common in these quarters. They are in the highest degree idolaters, attached to ridiculous fables and devoted to polygamy. We all have seen them here, to the number of three hundred men, bearing arms. Of all the people that I have associated with in these countries, they are the most docile, and the most affectionate toward the French. Their wives and daughters are more reserved than those of other nations. They have a species of civility among them,

and make it apparent to strangers, which is very rare among our barbarians.—Page 85, 87.

## CHAPTER X.

### Of the Mission of the Ousakiouek and Outagamiouek.

I connect, in the next place, these two nations, because they are intermingled and allied with the preceding, and besides they have the same language, which is the Algonquin, although very different in many of its idioms, which makes it very difficult to understand them; however, after some pains, they can now understand me, and I them, sufficiently for their instruction. The country of the Outagami is south of this, toward the lake of the Ilimouek. They are a people numbering about a thousand men bearing arms, hunters and warriors; they have fields of Indian corn, and dwell in a part that is very advantageous for hunting the wild cat, the stag, the wild ox, and the beaver.

They do not use canoes, and ordinarily make their journeys by land, carrying upon their shoulders their packages and game. * * * As for the Ousaki, they may be called savage above all others; there are great numbers of them, but wandering and vagabond in the forests, without having any permanent dwelling-place. I have seen nearly two hundred of them, have published the faith to them, and have baptized eighteen of their children, to whom the holy water has been salutary both for their bodies and souls.—Page 101 to 105.

## CHAPTER XI.

### Of the Mission of the Ilimouec or Alimouec.

The Ilimouec speak Algonquin, but very different from that of the other tribes; I understand them but very little, in consequence of having but very seldom conversed with them. They do not dwell in this neighbourhood; their country is more than sixty leagues from here, toward the south,

and beyond a great river that discharges itself, as near as I can conjecture, into the sea toward Virginia. These people are hunters and warlike; they use the bow and arrow, rarely the gun, and never the canoe.

They were once a populous nation, occupying ten large villages, but now they are reduced to two; continual wars with the Nadoussi on one side, and with the Iroquois on the other, have almost exterminated them.—Pages 105, 106.

I have here made known the name of Jesus Christ to eighty persons of this nation; they have carried it, and published it with applause to all the countries of the South. * * *

I confess that this appears to me to be the finest field for the gospel; if I had had leisure and opportunity, I would have visited their country, to see with my own eyes all the good that they have told me of it. I find all those with whom I have associated, affable and humane, and it is said that when they meet with a stranger, they utter a cry of joy, caress him, and render him all the testimonies of friendship that lie in their power. I have baptized only one child of this nation; the seeds of faith that I have planted in their souls will bear fruit, when it shall please the Master of the vineyard to gather it.

Their country is warm, and they plant their fields of Indian corn twice a year. There are rattlesnakes there, which often occasion the death of these people, for want of knowing an antidote for their poison. They hold medicaments in high esteem, and sacrifice to them as to great genii. There are no forests with them, but many large prairies, where the ox, the cow, the stag, the bear, and other animals roam in great numbers.—Pages 109–111.

## CHAPTER XII.

### Of the Mission of the Nadouesiouek.

This is a tribe that dwells to the west of this, (Fond du Lac of Superior,) toward the great river called Messipi. They

are forty or fifty leagues from here, in a country of prairies abounding in all kinds of game; they have fields in which they do not sow Indian corn, but only tobacco. Providence has provided them with a species of marsh rye, which toward the end of the summer, they go to collect in certain small lakes that are covered with it. They know how to prepare it so well, that it is quite agreeable to the taste, and very nourishing; they presented me with some when I was at the extremity of Lake Tracy, where I saw them. They do not use the gun, but only the bow and arrow, which they use with great dexterity. Their cabins are not covered with bark, but with deer skins, well dried, and stitched together so adroitly that the cold cannot penetrate them. These people are above all other, savage and ferocious; they seemed abashed in our presence, and motionless as statues. They fail not in being warlike, and have made war upon all their neighbours, to whom they are extremely formidable.

They speak a language entirely unknown to us; the savages about here do not understand them; this has obliged me to speak to them through an interpreter, who being unfaithful, did not do as I had desired. I have not neglected to rescue from the evil spirit an innocent soul of this country; it was a little child, who soon after I had baptized it wended its way to Paradise: "a solis ortu usque ad occasum laudabile nomen Domini." God will furnish us with an occasion in which to announce his word and glorify his holy name, when it shall please his Divine Majesty to have mercy on these people.

They are almost at the end of the earth, according as they say. Farther on toward the setting sun there are nations called Karezi, beyond whom, they say, the earth is cut off, and nothing can be seen but a great lake, the waters of which are stinking; it is thus they call the sea.

Between the north and the west is a nation who eat their meat raw, contenting themselves with holding it in their hands before the fire. Beyond these people is seen the North Sea; nearer this way is the country of the Kilistinons, the rivers

of which discharge themselves into Hudson's Bay. Besides, we have knowledge of the savages who inhabit the country south of this, as far down as the sea; so that there remains but very little territory, and very few persons, to whom the gospel has not been announced: that is, if we can depend upon what the savages have often repeated to us.—Pages 112, 113, 114.

CHAPTER XIII.

Of the Mission of the Kilistinons.

CHAPTER XIV.

Of the Mission of the Outahibouec.

The French call them the "Sauteurs," (Leapers,) because their country is at the "Sault," by which Lake Tracy discharges itself into Lake Huron. They speak the customary Algonquin, and are easy to be understood. I have published the faith to them at many places of meeting, but chiefly at the extremity of our great lake."—Page 119.

CHAPTER XV.

Of the mission of the Nipissiriniens, and of the voyage of Father Allouez to Lake Alimibegong.

CHAPTER XVI.

Return of Father Allouez to Quebec, and his departure, to reascend to the Outaouacs.

During the two years that Father Allouez has remained among the Outaouacs, he has observed the customs of all the nations that he has seen, and has carefully studied the means that may facilitate their conversion. There is employment for a good number of missionaries, but there is nothing for them to subsist upon: one part of the year they live upon

the bark of trees, another part on pulverized fish-bones, and the balance of the time on fish, or on Indian corn, which sometimes is very scarce, and sometimes sufficiently abundant. The Father has learned by experience, that, the fatigues being great, the labours continual, and the nourishment light, a body even of bronze could not withstand it. Consequently it is necessary to have at the missions, men of courage and piety, to labour for the subsistence of the missionaries, either by cultivating the earth, by fishing, or in following the chase; who would construct lodgings, and erect some chapels to excite the veneration of these people, who have never seen any thing finer than their bark cabins. With these views, the Father resolved to come to Quebec himself, and labour to carry these designs into execution.

He arrived there on the third day of August of this year 1667, and after remaining two days only, his diligence was so great, that he was prepared to set out from Montreal with a score of canoes of savages, with whom he had come down, and who awaited him at that island with a great deal of impatience.

His equipage was composed of seven persons: Father Louis Nicholas, to labour conjointly with him, for the conversion of these people, and one of our brothers, with four men, to be employed at the stations in securing a subsistence for them. But it has pleased God that the success of this enterprise should not correspond with their good intentions, for when there was question of entering the canoes, the savages became so ill-humoured that the two Fathers only, with one of their men, could obtain places in them; but so unprovided with provisions, clothing, and all the other necessaries of life, that they had prepared, but were not permitted to embark, that one may reasonably doubt of their being able to reach that country, or having arrived there, whether they can subsist for any length of time.—Page 128 to 131.

*Relation, &c.*, 1667 *and* 1668. *Sent to the Rev. Father Stephen Deschamps, Provincial, &c. By Francis Le Mercier.*

## CHAPTER VI.

### Of the Mission of the Holy Ghost among the Outaouacs.

It is not necessary to repeat the enumeration of all the missions that are dependent on this one, each of which has been particularly mentioned in the last relation; it is sufficient to say, that labour, famine, want of all things, bad treatment by the savages, and the mockery of idolaters, are the best characteristics of these missions.

As these people for the most part, have never had any commerce with Europeans, it is difficult to imagine the excess of insolence to which their barbarism carries them, and the patience with which one must be armed to endure it.

Our connections are necessarily extended to twenty or thirty nations, differing in language, manners, and policy. We have to endure all their bad humour and brutality, that we may gain them by mildness and affection; we must render ourselves in a manner savage with these savages, and lead the life of a savage with them; living sometimes on the moss that grows upon the rocks, sometimes on pulverized fish-bones, which is used in place of flour, sometimes on nothing at all; passing three and four days without food, like those whose stomachs are formed to endure these trials; but who can also eat enough in a single day, without incommoding themselves, when game and fish are in abundance, to last them for eight days.

The Fathers Claude Allouez and Louis Nicholas have passed through these ordeals; and if penitences and mortifications contribute to the conversion of souls, it may be said they lead a life more austere than that of the greatest penitents of the Thebais; not ceasing, however, to employ themselves indefatigably in the discharge of their apostolical functions, which are, to baptize the children, instruct the adults, and cause the

sound of their words to be heard in the remotest parts of this end of the world.

Father James Marquette has gone to their assistance with our brother Louis le Boëme, and we hope that the sweat of these generous missionaries, which waters these lands, will render them fertile for Heaven.

They have baptized since the last year, eighty children, many of whom are now in Paradise.—Page 103 to 106.

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## *Relation, &c. &c.*, 1668 *and* 1669.

### CHAPTER VI.

Of the Mission of "The Point of the Holy Ghost," in the country of the Algonquin Outaouacs.

The mission of the Outaouacs is now one of the finest in New France. * * * Father Allouez having this year gone down to Quebec to deliver into the hands of Monsieur de Courcelle the Iroquois captives, that he had by his orders redeemed from the Outaouacs, and to demand assistance from our Fathers, the lot has happily fallen on Father Claude Dablon, who who has been sent to act as Superior of these Upper Missions. * * *

The first place where we met with these "Upper Nations," who are almost all Algonquins, is the Sault. * * * It is here that the missionaries have posted themselves, as being the most convenient place for their apostolical employments; it having been for some years the custom of other tribes to congregate at this point before going down to trade at Montreal or Quebec.

Another place, distant from the Sault about one hundred and fifty leagues, that has been particularly chosen for preaching the gospel, is called "The Point of the Holy Ghost." The wars of the Iroquois have been the occasion of this establishment; the greater part of the savages above, having been driven by them from their countries, have collected at this

place. Father Allouez having found in one village so many nations, has happily taken advantage of this retreat, which has united so many people. * * * God has found his elect in each nation during the time that the fear of the Iroquois has held them together; but the danger at length being over, each tribe has returned to their own country. Some have returned to the Bay of the Puants; others have gone to the Sault, where the missionaries have resolved henceforth to make their principal residence: the balance have remained at the Point of the Holy Ghost. They intend to build three churches at these three principal points at this extremity of the world. There are, in fact, already two, one at the "Point of the Holy Ghost," and the other at the Sault. Father Allouez is preparing, on his return from Quebec, to go to the "Bay of the Puants," and there establish the third church.—Page 86 to 89.

Father Allouez, in his journal and in one of his letters, written from the Sault, the 6th of June, 1669, says that it has pleased his Divine Majesty to have mercy on a particular nation, who intend in a body to embrace the Christian faith. * * * They call themselves Queues Coupèes, (cut-tails.)

* * * Father Marquette writes to us from the Sault that the harvest there is very abundant.—Page 93.

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*Relation of* 1669 *and* 1670. *Of the Mission to the Outaouacs.*

## CHAPTER X.

Of the Missions of the Upper Algonquins, commonly called the Outaouacs: and particularly of the mission of "St. Marie du Sault," (St. Mary of the Falls:) Father Dablon is Superior of these missions, and has sent this Relation to Quebec, to Father Francis Le Mercier, Superior General.

"We call these people 'Upper Algonquins,' in order to distinguish them from the 'Lower Algonquins,' who are found lower down in the neighbourhood of Tadousac and Quebec.

They are commonly called Outaouacs, because, of more than thirty different nations who are located in those countries, the first who came down toward our French habitations were the Outaouacs, whose name has since been extended to all the others. There are three general missions; the first, which is the central one, is called Sainte Marie du Sault, (St. Mary of the Falls,) situated at the foot of the rapid, which receives its waters from Lake Tracy, and discharges itself into Lake Huron. The second mission, which is the most distant, is that of the Holy Ghost, situate toward the extremity of the said upper lake, at a place that the savages call Chagaouamigong Point. The third, bears the name of St. Francis Xavier, and is situated at the foot of the Bay of the Puants, which is separated from the Superior (or Upper) Lake, only by a narrow strip of land." —Pages 3, 4, 5.

Of the nature, and some properties of the Sault, and of the nations who are in the habit of gathering there.

The first, and natural inhabitants of this place (the Sault) are those who call themselves "Pahouiting-dach-Irini," and whom the French call "Saulteurs," (Leapers,) because they dwell at the Sault as being their native country. * * *

Those who are called the Noquets, occupy the southern shores of the upper lake, of which country they are the primitive inhabitants.—Page 8.

* * * Several days' journey from the mission of St. Francis Xavier, which is at the Bay of the Puants, is found a great river, more than a league in width, which, rising in the north, flows toward the south, and so far, that the savages who have navigated this river, searching for enemies to fight with, after many days of navigation, have failed to discover the mouth, which can only be toward the Gulf of Florida, or that of California. Hereafter we shall speak of a very considerable nation that dwells in the neighbourhood of this river, and of the voyage that we hope to make there this year, to carry the faith, and at the same time to take cognizance of these new countries.—Pages 11, 12.

## CHAPTER XI.

Of the Mission of the Holy Ghost at the Point of Chagaouamigong, in Lake Tracy, or Superior, (Upper.)

Of the peculiarities and rarities that are found at the Upper Lake, and principally of the different fish in which it abounds.

This lake has almost the form of a bended bow, and in length is more than one hundred and eighty leagues. The southern shore is, as it were, the cord, the arrow being a long strip of land issuing from the southern coast, and running for more than eighty leagues toward the middle of the lake.

The northern coast is rendered appalling by a line of rocks which form the termination of that stupendous chain of mountains which, commencing beyond Cape Tempest, below Quebec, continue to this place, passing over a space of more than six hundred leagues in length, come at last to a termination at the extremity of this lake.

It is almost everywhere destitute of islands, which are usually found only along the northern coast.

This great expanse of waters lies exposed to the winds, which agitate it with as much violence as the ocean.

At the Point of the Holy Ghost, Chagaouamigong, where the Outaouacs and Hurons dwell, fishing is carried on at all seasons of the year; great quantities of white fish, trout, and herring are taken; this manna begins in November, and continues after the ice has set in; the colder it grows, the more do they fish.—Pages 22–25.

Of the copper mines that are found at the Upper Lakes.

* * * On the northern coast is found the island most famed for copper, called Minong. * * * The island is large, being all of twenty-five leagues in length; it is distant from the mainland about seven leagues, and from the end of the lake about sixty. * * * Advancing to the end of the lake, and returning one day's journey along the southern coast, at the edge of the water is seen a copper rock that will weigh at least seven or eight hundred pounds; so hard

that steel will scarcely penetrate it; when, however, it is heated, it will cut like lead. Twenty or thirty leagues farther this way is situated the Point of Chagaouamigong, where we have established the Mission of the Holy Ghost, of which we shall speak hereafter; near by, are islands, on the shores of which are often found copper rocks, and even plates of the same material. * * *

Still returning toward the mouth of the lake, following the southern coast, at twenty leagues from the place of which we have just spoken, (Mission of the Holy Ghost,) we enter the river called Nantounagan, in which is seen an eminence, from whence stones of red copper fall into the water, or upon the land; they are easily found, and about three years ago we were presented with a massive piece weighing about one hundred pounds, taken from the same place; we have cut several pieces from it and sent them to Quebec to M. Talon.—Pages 32, 33.

Of the tribes that are connected with the mission of the Holy Ghost, at the point called Chagaouamigong.

More than fifty villages can be counted, composed of divers people, wandering and sedentary, who in a manner belong to this mission, and to whom the gospel can be announced either by going to their countries, or when they come to this place to trade. The three nations comprised under the name of Outaouacs, one of which has embraced Christianity, and that of the Hurons Etionnontatehronnons, nearly five hundred of whom have been baptized, dwell at this point, living upon fish and corn, but rarely the chase; they number more than fifteen hundred souls.

The Illinois, a tribe dwelling to the south, have five great villages, one of which extends for three leagues, the cabins being built in a line; they number nearly two thousand souls, and come here from time to time in great numbers, as merchants, to procure hatchets, cooking utensils, guns, and other things of which they stand in need. * * *

At eight days' journey toward the west, is the first of the

thirty villages of the Nadoussi; the great war that they have with the Hurons and some other nations of this region, keeps them more to themselves.—Pages 37, 38.

*Letter of Father James Marquette to the Reverend Father, Superior of the Missions.*

Reverend Father—Pax Christi.

I am obliged to render an account to your reverence of the state of the Mission of the Holy Ghost among the Outaouacs, (according to the orders that I have received from it, and lately also from Father Dablon,) since my arrival here after a month's navigation through snow, and over the ice which closed the passage upon us, and in almost continual danger of meeting death.

Divine Providence having destined me to continue the Mission of the Holy Ghost, which Father Allouez had commenced, and where he had baptized the principal personages of the Kiskakonk nation, I arrived there the thirteenth day of September, and I went to visit the savages who belonged to the parish, which is, as it were, divided into five villages. The Hurons, to the number of four or five hundred souls, almost all baptized, always retain a little Christianity. * * * The nation of Sinagaux Outaouacs is very far from the kingdom of God. * * *

Those of the Keinouchè nation declare themselves openly, saying that it is not yet time. * * *

The Outaouacs, extraordinarily superstitious in their feasts and their juggleries, appear to harden themselves against the instructions that are given to them. * * * Pages 40–42.

The Kiskakonk nation, which during three years refused to receive the gospel announced to them by Father Allouez in the fall of the year 1668, finally resolved to obey God.

The resolution to do so was taken in council, and declared to the Father, who obligated himself to winter with them for the fourth time, in order to instruct and baptize them. The chiefs of the nation declared themselves Christians, and the Father having gone to another mission, the charge of culti-

vating them was given to me, which I went to assume in the month of September of the year 1669. The Christians were all in their fields gathering the Indian corn: they listened to me with pleasure when I informed them that I had come to the Point only for their consideration and that of the Hurons; that they should never be abandoned; that they should be cherished above all other nations, and that hereafter they would be considered the same as Frenchmen.—Page 46.

Having invited the Kiskakonk to come and winter near to the chapel, they quitted all the other nations to gather around us.—Page 50.

(This, and the preceding blanks in this letter, are principally filled with the Father's account of his duties, and his instructions to the Indians.)

* * * After the Easter festival, the savages all dispersed in search of food to maintain themselves. They promised me that they would always repeat their prayers, and supplicated very strongly that one of our Fathers might come to them in the fall, when they would be reassembled. Their demands will be accorded, and if it pleases God to send some Father to us, he shall fill my place, while I, to carry out the orders of the Father Superior, will go to commence the mission of the Ilinois.—Page 53.

Here follows a description of the Ilinois, and then he says—

When the Ilinois come to the Point, they pass a great river, which is almost a league in width. It flows from north to south, and to so great a distance, that the Ilinois, who know nothing of the use of the canoe, have never as yet heard tell of the mouth; they only know that there are great nations below them, some of whom dwelling, to the east-south-east of their country, gather their Indian corn twice a year. A nation that they call Chaouanon, (Shawanoe,) came to visit them during the past summer; the young man that has been given to me to teach me the language, has seen them; they were loaded with glass beads, which shows that they have communication with the Europeans. They had journeyed

across the land for more than thirty days, before arriving at their country.

It is hardly probable that this great river discharges itself in Virginia; we are more inclined to believe that it has its mouth in California. If the savages who have promised to make me a canoe, do not fail in their word, we will navigate this river as far as possible, in company with a Frenchman and this young man that they have given me, who understands several of these languages, and possesses great facility for acquiring others; we shall visit the nations who dwell along its shores, in order to open the way to many of our Fathers, who for a long time have awaited this happiness. This discovery will give us a perfect knowledge of the sea either to the south or to the west. * * *

The Nadouessi, who are the Iroquois of the country beyond the Point, but not so treacherous, and who never make an attack until after they have been assailed, are to the southwest of the Mission of the Holy Ghost. It is a great nation, and has not yet been visited, we being confined to the conversion of the Outaouacs; they fear the French, as they carry the sword into these countries; their language is quite different from the Algonquin or the Huron. * * *

The Assinipouars, who have almost the same language as the Nadouessi, are west of the Mission of the Holy Ghost. * * *

The Kilistinaux are a nomadic people, and we do not as yet very well know their rendezvous. * * * I have seen them this spring on the borders of the Lake.—Pages 56–61.

## CHAPTER XII.

### Of the Mission of St. Francis Xavier at the Bay of the Puants, or rather of the Stinking Waters.

*Letter from Father Allouez, who has had charge of this Mission, to the Rev. Father Superior.*

Reverend Father—Pax Christi.

I send to your reverence the journal of our proceedings

during the winter, in which you will find how the gospel has been published and Jesus Christ preached to people who adore only the sun or some imaginary idols.

We set out from the Sault the third of November, according to my dates; two canoes of Pouteouatamis, wishing to take me to their country, not that I might instruct them, they having no disposition to receive the faith, but to mollify some young Frenchmen, who were among them for the purpose of trading, and who threatened and ill treated them. The first day we arrived at the entrance of Lake Huron, where we slept under shelter of the islands: the length of the voyage, and the difficulties of the route in consequence of the lateness of the season, hastened us to have recourse to Saint Francis Xavier, the patron of our mission, by obliging me to celebrate the holy mass, and my two companions to commune, on the day of the festival in his honour, and further to invoke his aid twice every day by reciting his prayers.

About mid-day on the fourth, we doubled the cape which forms the bend, and is the commencement of the Strait, or Gulf of Lake Huron, well known, and of Lake Heaoüers, (*Lake Illinois* or *Michigan*,) as yet unexplored, though much smaller than Lake Huron. Toward evening, the contrary wind which was near driving our canoe upon the reefs of rocks, obliged us to cut short our day's journey.

On the morning of the fifth, when we awoke, we found ourselves covered with snow, and the edges of the water frozen: this little foretaste of affliction, which it has pleased our Lord that we should experience, invited us to offer ourselves for still greater. It was with great difficulty that we embarked with all the clothing and provisions, being obliged to enter the water with our bare feet, in order to keep the canoe afloat, otherwise it would have been broken. Having passed a great number of islands toward the north, we were detained during six days by the bad weather: the snow and frost menacing us with ice, my companions had recourse to Saint Anne, to whom we recommended our voyage, praying her, with St. Francis Xavier, to take us under their protection.

On the eleventh we embarked, notwithstanding the contrary wind: we crossed to another island, and from thence to the mainland, where we found two Frenchmen with several savages. We learned from them the great dangers to which we were about to expose ourselves, in consequence of the storms so frequent on this lake, and the ice, which would very soon begin to float; but all this was insufficient to destroy the confidence that we had placed in our Protectors. We launched the canoe into the water, after having invoked their aid, and soon had the good fortune to double in safety the cape which turns off to the west, having left behind us a great island called Michilimackinak, celebrated among the savages: their fables about this island are amusing.

They say that this island is the native country of one of their gods, called Michabous, that is to say, the Great Hare, Oüemanitou, who has created the earth, and that it was in these islands that he invented the nets for taking fish, after having attentively considered a spider while constructing its web for catching flies.

They believe that the Superior Lake is a pond made by the beavers, the banks of which were double: the first, at the place which we call the Sault, the second, five leagues lower down. In coming up the river, they say, this same god first encountered the second embankment, which he tore entirely away; and for this reason there are no falls or turbulent waters as there ought to be, as for the first, being in a hurry, he only walked over it and trampled it to pieces, in consequence of which there still remain large falls and boiling waters.

This god, they add, while pursuing a beaver in the upper lake, crossed at a single step, a bay eight leagues in width. In view of so powerful an enemy, the beavers thought it best to change their place, and consequently withdrew to another lake, called Alimibegoong: from thence they afterward, by aid of the rivers that flow from it, arrived at the North Sea, intending to pass over to France; but, finding the water bitter, they soon desert, changed their intentions, and spread themselves out among all the rivers and lakes of this country.

This is the reason why there are no beavers in France, and why the French have to come here in search of them. They believe that this god is the master of our lives, which he grants only to those to whom he shows himself during sleep; these are a portion of the fables with which the savages very often entertain us.

On the fourteenth, God delivered us from two great dangers, through the intercession of our Protectors. While we were taking a little repose, our canoe was carried away from us by a gust of wind, and driven to the other side of the river, but was forced back to us by another gust of wind, while we, awakened by the noise that it made, were thinking about making a raft to go in quest for it. At night, after having made a great day's journey, we were obliged to remain in the offing, not being able to find a landing, in consequence of the inaccessible shores; but an extraordinary gale of wind overtaking us, we were obliged to make for the shore, notwithstanding the rocks, on which our canoe would have been dashed to pieces, if God in his providence had not taken charge of our safety. In this second danger we addressed ourselves to Him through the mediation of our intercessors, and afterward said mass as a thanksgiving.

Having continued our navigation until the twenty-fifth, through continual dangers, God delivered us from our troubles by bringing us to the cabin of some Pouteouatamies, who were engaged in fishing and hunting on the borders of the forest. They regaled us with every thing that they had, but chiefly with beech-nuts, which are the fruit of the beech-tree; these they roast and pound into flour. I had leisure to instruct them, and to confer baptism on two small sick children.

On the twenty-seventh, while we were endeavouring to make all the headway that was possible, we were discovered by four cabins of savages, called Oumalouminek, who obliged us to disembark; as they were closely pressed by hunger, and we at the end of our provisions, we could not remain very long together.

On the twenty-ninth we were greatly troubled at finding

the mouth of the river that we wished to enter, closed up with ice, and we expected to have to make the rest of the journey by land. But an impetuous wind springing up during the night, enabled us, by breaking up the ice, to continue our navigation, which came to a close on the second of December, the eve of the day of St. Francis Xavier, by our arrival at the place where the Frenchmen were; who aided us to celebrate the festival with all the solemnity that was possible, thanking him for the succour that he had procured for us during our voyage, and praying him to be the patron of this mission that we were about to commence under his protection.

The next day I celebrated the holy mass, at which the Frenchmen, to the number of eight, performed their devotions. The savages having taken up their winter quarters, I found here only one village, comprising several nations, Ousaki, Pouteouatamis, Outagami, Ouenibigoutz, containing about six hundred souls: eight leagues from this, on the other side of the Bay, is another village, containing about three hundred souls.

All these nations have their fields of Indian corn, gourds, beans, and tobacco. In this bay, at a place they call Ouestatinong, twenty-five leagues from these, there is a great nation, named Outagami, and one day's journey from this, there are two others, Oumami, and Makskouteng: a portion of all these people has had knowledge of our faith, at the Point of the Holy Ghost, where I have instructed them; we shall do it more amply, with the help of Heaven.

We have had much trouble for our maintenance; scarcely have we found shelter; all our nourishment has been only Indian corn and acorns; the little of fish, which is only rarely seen, is very bad; the water of this bay and its rivers is similar to that which stagnates in ditches.

The savages here are more than commonly barbarous; they are without industry; they know not how to make even a bark dish, nor a pot; they most often make use of shells. They are penurious and avaricious in an extraordinary manner; they sell at a dear rate their little wares, because they only

have what is merely necessary. The season in which we arrived among them was not very advantageous to us; they were all in a time of scarcity, and very little in a condition to give us any assistance. We endured hunger there, but, blessed be God, who places us in those situations, and who, besides, well recompenses all these troubles, by the consolations which he causes us to find in the greatest afflictions, in the seeking for the souls of so many poor savages, which are not the less the work of his hands, and the price of the blood of his Son Jesus Christ, than those of the princes and sovereigns of the earth.

## Of the Mission to the Ousaki.

The village of the Ousaki is the first where I commenced to instruct. As soon as we were *housed*, I assembled all the old men, to whom, after I had related the news of the peace with the Iroquois, I opened myself on the design of my voyage, which was no other than their instruction. I explained to them the principal articles of our belief, which they listened to with approval, appearing to me very well disposed to Christianity. Oh! if we could relieve them in their poverty, how flourishing would be our church. The remainder of this month I laboured for their instruction, and baptized many sick children; I had the consolation to see one of them, some time afterwards, leave the church *militant*, which had received him among the number of her children, to go into that *triumphant*, there to sing eternally the mercies of God in his own case, and there to be an advocate for the conversion of those of his nation.

Among those who have not heard our mysteries spoken of, there has been found some libertines who have ridiculed them: God placed on my lips wherewith to check them. I hope that, strengthened by grace, with time and patience, we shall have the consolation of gaining some of them to Jesus Christ. Those who are Christians have come regularly every Sunday to prayer and instruction, where we have caused the Pater and the Ave to be sung in their language. In the month of January I propose to go, and carry the gospel to another vil-

lage: it was not possible for me to go there and *house* myself among them: I have endeavoured to make up, by frequent visits.

## Of the Mission to the Pouteouatamis.

The seventeenth of February, I betook myself to the village of the Pouteouatamis, which is on the other shore of the Lake, eight leagues from this place. After having walked all day without stopping, we arrived there at sunset, by the help of some little morsels of frozen meat which hunger enabled us to eat. The morning after my arrival, they made us a present of all the fat of a bear, with much evidence of affection.

On the nineteenth, I assembled the council, and after having related the news, I made known to them the subject which had brought me into their country, reserving to myself the following morning to speak more fully of our mysteries. I did this with success and blessing, having drawn this conclusion from themselves, that since belief was so necessary to avoid hell, they were willing to pray, and that they hoped that I would procure them a missionary to instruct them, or rather that I should myself dwell among them, to do them this charitable office.

The following days I visited all the cabins, and instructed them very fully on particulars, with satisfaction on both sides. I had the consolation to baptize then, two newly-born children, and a young man in a dying condition, very well disposed.

The twenty-third, we took the road to return, but the wind that froze our faces, and the snow, obliged us, after going two leagues, to stop and pass the night on the lake. The next day, the severity of the weather being a little diminished, we continued our route with much inconvenience; for my portion of it, I had the nose frozen, and a faintness which obliged me to seat myself on the ice, where I should have remained, my companions having gained the advance, if by Divine Providence I had not found in my handkerchief a clove, which gave me strength enough to reach the cabins.

In the beginning of the month of March, the great thaws

having commenced, the savages left their cabins to go and seek the means of life, hunger having pressed them for some time.

I had much dissatisfaction in not having been able to go through all the villages; the distance of some, and the little disposition some others had for it, is the cause.

I resolved to attempt, at least, the well establishing of Christianity in a neighbouring village, composed in the greater part of Pouteouatamis. I twice assembled the men, fully explaining to them our mysteries, and the duty they owed to embrace our faith; and that this was the only reason which had brought me, since autumn, in their country. They received all which I told them very well. I have often visited them in their cabins, to inculcate that which I had taught them in public. I have there baptized some sick children. I have been greatly consoled in the assurance that some ones have given me, that since they had heard me five years since, at the Point of the Holy Ghost, in the upper lake, they have always invoked the true God; that they had always been protected sensibly by him; that they had always killed game, and taken fish; that they had not been sick, and that deaths did not occur in their families so commonly as before they had prayed.

On another day, I gave the catechism to the young girls and women; our cabin was altogether filled. These poor people are very well disposed, and exhibit very good will; many interrogate me on divers matters to be instructed, proposing to me their difficulties, which only proceed from the high idea which they have of Christianity, and from the fear which they have of not being able to fulfil its obligations. Our stay has not been long; famine pressing them, they were obliged to separate, and go in search of wherewith to support life. We left them ourselves, full of consolation, praising and blessing God that his holy name had been respected, and the holy faith well received by these barbarous people.

The twenty-first of this month I took an observation: I found that the height of the sun was 46 degrees 40 minutes, or thereabouts; that the height of the pole and the complement is 43 degrees 20 minutes, or thereabouts.

The ice did not break up here until the twelfth of April; the winter has been extremely hard this year, and the navigation consequently much retarded.

The 16th of April I embarked to go and commence the mission of the Outagamis, a people well known in all these parts. We were lying at the head of the bay, at the entrance of the River of the Puants, which we have named "St. Francis;" in passing, we saw clouds of swans, bustards, and ducks; the savages take them in nets at the head of the bay, where they catch as many as fifty in a night; this game in the autumn seek the wild rice that the wind has shaken off in the month of September.

The seventeenth, we went up the River St. Francis, two and sometimes three arpens wide. After having advanced four leagues, we found the village of the savages named Saki, who began a work that merits well here to have its place. From one side of the river to the other, they made a barricade, planting great stakes, two fathoms from the water, in such a manner that there is as it were, a bridge above, for the fishers, who by the aid of a little bow-net, easily take sturgeons and all other kinds of fish which this pier stops, although the water does not cease to flow between the stakes: they call this device Mitchikan; they make use of it in the spring and a part of the summer.

The eighteenth, we made the portage which they call Kekaling; our sailors drew the canoe through the rapids; I walked on the bank of the river, where I found apple-trees and vine stocks in abundance.

The nineteenth, our sailors ascended the rapids, by using poles, for two leagues: I went by land as far as the other portage, which they call Oukocitiming, that is to say, the highway. We observed this same day the eclipse of the sun predicted by the astrologers, which lasted from mid-day until two o'clock. The third, or near it, of the body of the sun appeared eclipsed; the other two-thirds formed a crescent. We arrived in the evening at the entrance of the Lake of the Puants, which we have called Lake St. Francis; it is about

twelve leagues long and four wide; it is situated from north-north-east to south-south-west; it abounds in fish, but uninhabited on account of the Nadouecis, who are here dreaded.

The twentieth, which was on Sunday, I said mass, after having navigated five or six leagues in the lake; after which we arrived in a river that comes from a lake of wild rice which we came into; at the foot of which we found the river which leads to the Outagamis on one side, and that which leads to the Machkoutenck on the other. We entered into the former, which comes from a lake, where we saw two wild turkeys perched on a tree, male and female, exactly like those of France: the same size, same colour, same cry. The bustards, ducks, swans, geese, are in great numbers in all these lakes and rivers; the wild rice, which is their food, attracts them there; there are large and small deer, bears, and beavers in sufficient great numbers.

The twenty-fourth, after many turns and windings in the different lakes and rivers, we arrived at the village of the Outagamis. This people came to us in a crowd, in advance, they said, to see the Manitou who came into their country; they accompanied us with respect to the door of a cabin which they made us enter.

This nation is renowned for being numerous; they have more than four hundred men bearing arms; the number of women and children is greater, on account of polygamy, which exists among them—each man having commonly four wives, some of them six, and others as high as ten.

Six great lodges of these poor people have been defeated this month of March, by eighteen Iroquois Tsonnontoüans, who, conducted by two Iroquois slaves of the Pouteoüatamis, secreting themselves, fell upon them, killed all except thirty women, whom they took away prisoners; the men being on the hunt, they did not meet with much resistance, six warriors only remaining in the cabins besides the women and children, who were about a hundred in number. This carnage was committed two days' journey from the place of our wintering, at the head of the Lake of the Ilinioües, which they call Machihiganing.

The twenty-fifth, I assembled the old people in great numbers, in order to give them the first knowledge of our mysteries. I began by an invocation of the Holy Ghost, to whom we had addressed ourselves during our voyage, praying a blessing on our labours; and after having dried their tears, which the remembrance of the murder committed by the Iroquois caused to flow from their eyes, by a present which I judged it right to make them, I explained to them the principal articles of our faith, proclaimed to them the law and the commandments of God, the rewards promised to those who obey him, and the punishments which he prepares for those who obey him not. They understood me without having need of an interpreter, and this with attention; but O my God! what ideas and customs these people have contrary to the gospel, and what powerful grace is necessary to overcome their hearts. They allow the unity and majesty of God, creator of all things; of the rest they do not utter a word.

An Outagamie told me privately that his grandfather had come from heaven, and had preached the unity and majesty of one god who had made all the other gods; that he had assured them that he would go to heaven after his death, where he would no more die, and that no one would find his body in the place where it should be buried; this, said the Outagamie, was verified, his body was no more found where it had been put. These are the fables which God makes use of for their salvation; for after having finished relating all, he added, that he had put away all his wives; that he only retained one of them, which he would never change; that he was resolved to obey me, and to pray to God. I hope that God will have mercy on him. I have endeavoured to visit them in their cabins, which are very numerous, as well to instruct them in private, as to take with me some little medicine, or rather some delicacy for their little sick children whom I had baptized; in the end, they themselves brought them to me in the cabin where I lodged.

I spoke their language, in the assurances which they gave me that they understood me: it is the same as that of the

Satzi; but alas how much trouble they have to comprehend a law which is so contrary to their customs!

These savages have retreated to these parts to escape the persecutions of the Iroquois; they are settled in an excellent country; the earth, which here is black, yields them Indian corn in abundance. In the winter they live by the chase; about the end of it they return to their cabins, and there live on Indian corn, which they had put in *cache* in the autumn, and which they season with fish. They have a fort in the midst of their forests, where their cabins of thick bark are, to resist all kind of attacks. In travelling they lodge themselves with mats; they are at war with the Nadoüecious, their neighbours; they do not make use of canoes; for this reason they do not make war upon the Iroquois, although they are often killed by them. They are very much disparaged, and reputed by other nations as penurious, avaricious, thievish, choleric and quarrelsome.

They had a small idea of the French, since two traders in beaver-skins had appeared among them: if they had conducted themselves there as they ought, I would have had less trouble to give these poor people other ideas of all the French nation, whom they began to esteem since I explained to them the principal and only motive which brought me among them.

The twenty-sixth, the old men came to the cabin where I lodged, to hold council in it; the assembly being arranged, the captain, after having laid at my feet a present of some skins, made a harangue in these terms:—

"We thank thee," said he to me, "that thou hast come to all of us, to visit and console us in our affliction; we are the much more obliged to thee, as no one has yet had that kindness for us." They added, "that as for the rest, they had nothing more to say to me, save that they had not the spirit to speak to me, as they were all occupied in bewailing their dead. Thou, Black-robe, who hast sense and who hast pity on men, have pity on us in such manner as pleases thee. Thou mayest dwell here, near us, to protect us against our enemies, and to teach us to speak to the great Manitou, in

the same manner thou hast taught the savages of the Sault. Thou canst cause to be restored to us our women who have been led away captives. Thou canst arrest the arms of the Iroquois, and speak to them of peace, in our favour, for the future. When thou shalt see the Iroquois, tell them that they have taken me for another; I did not make war upon them; I have not eaten their people, whom my neighbours have taken prisoners, and of whom they have made me a present; I have adopted them, they live here as my children."

This discourse has nothing in it of barbarism. I told them that in the treaty of peace which the French had made with the Iroquois, they had not been mentioned, as no Frenchman had as yet come here, and that we knew them not; as for the rest, I much approved of what their captain had said, that I would not forget it, that next autumn I would return an answer to it. In the mean time that they should strengthen themselves in the resolution to obey the true God, who only could procure for them that which they demanded, and infinitely beyond it.

In the evening, four savages of the Oumamis nation arrived from two days' journey from this place, bringing three scalps of the Iroquois, and an arm, half *dried*, to console the relations of those whom the Iroquois had lately killed.

The twenty-seventh, we left them, recommending to good angels the first seed cast into the hearts of this poor people, who have listened to me with respect and attention. Here is a beautiful and rich harvest for a zealous and patient missionary. We have called this mission that of "Saint Mark," because on St. Mark's day the faith was announced here.

Of the Mission of the Oumamis and Machkoutench.

The twenty-ninth, we entered into the river which leads to the Machkoutench, called Assista Ectacronnons, Fire Nation, by the Hurons. This river is very beautiful, without rapids, or portages; it flows to the south-west.

The thirtieth, having disembarked opposite the village, and

left our canoe at the water's edge, after a walk of a league over beautiful prairies, we perceived the fort. The savages having discovered us, made first a cry in their village; they ran to us, accompanied us with honour to the cabin of the chief, where first they brought us refreshments, and greased the feet and legs of the Frenchmen who were with me; afterward they prepared a feast, of which this was the ceremony:—Everybody having taken their places, after some ones had filled a dish of tobacco, in powder, an old man rose up on his feet, and having turned himself toward me, he harangued me in these terms—his two hands filled with tobacco, which he took from the dish:—

"This is well, Black-robe, that thou hast come to visit us; have pity on us. Thou art a Manitou, we give thee wherewith to smoke. The Nadoüessious and the Iroquois eat us up; have pity on us. We often are sick, our children die, we are hungry. Listen, my Manitou; I give thee wherewith to smoke; that the earth may yield us corn, that the rivers may furnish us with fish, that sickness no more shall kill us, that famine no longer shall so harshly treat us." At each wish, the old men who were present, answered by a great "Ooh!"

I had a horror at this ceremony, and having begged them to listen to me, I told them that it was not to me that they should address their requests; that in our necessities I had recourse to prayers to Him who is the only and true God; that it was in him they ought to establish their confidence; that he was the sole Master of all things, as well as of their lives; that I was only his servant and his messenger, that he was my sovereign Lord, and their own. That nevertheless, wise men honoured, and willingly listened to the Black-robe, as a person who is hearkened to by the great God, and who is his interpreter, his officer, and his servant. They would make to us a very sacrifice, the same as that which they make to their false gods.

In the evening I assembled them, made them a present of *rassade*, (serge,) knives, and hatchets, to let them know the Black-robe. "I am not the Manitou who is the Master of

your lives, who has created the heavens and the earth; I am his creature, I obey him and carry his word over all the lands." I explained to them afterwards the articles of our holy faith, and the commandments of God; these good people only half understood me. Before leaving them, I had the consolation of seeing that they comprehended the principal of our mysteries; they received the gospel with respect and fear, and gave evidence of being well satisfied to have knowledge of the true God.

The savages named Oumami are here only in a small number; the greater part have not arrived from their hunt, so that I say nothing of them particularly. Their language is conformable to their temper; they are mild, affable, grave; they also speak slowly. All this nation ought to arrive in sixteen days, but duties calling me to the Sault, I have not the freedom to wait for them.

These people are established in a very fine place, where we see beautiful plains, and level country, as far as the eye reaches. Their river leads into a great river called Messisipi; there is a navigation of only six days; it is along this river where are numerous other nations. At four leagues from here are the Kikabou, and the Kitchigamick, who speak the same language with the Machkouteng.

The first of May, I went to visit them in their cabins; I instructed them, speaking their language in a manner that I made myself understood by them. They listened to me with respect; they admired the points of our faith; they were eager in making much of me, with every thing of the best they had. These poor mountaineers are good beyond all that one could believe; they do not fail in having superstitions, and the polygamy ordinarily among savages.

The kindnesses they did me, occupied me almost all day; they called at my lodge to see me, took me home with them, and, after having made me be seated on some beautiful skin, presented me with a handful of tobacco, which they placed at my feet; brought me a kettle full of fat meat and Indian corn, with a speech or compliment which they made me. I have

always taken occasion from this, to inform them of the truth of our faith. God has given me the grace to be always understood, their language being the same as that of the Saki.

I have baptized there five children, in danger of death; they brought them to me, themselves, to give them some medicine; withdrawing myself at times apart, to pray, they would follow me, and from time to time they came to interrupt me, saying to me in a supplicating tone, "Manitou, have pity on us." In truth, they showed me the respect and affection with which we ought to speak to God.

The second of May the old men came to our cabin to hold council; they thanked me by a speech and a present, for that I had come into their country; they exhorted me to come here often. "Preserve our land," said they; "come often to teach us how we ought to speak to the great Manitou, whom thou hast made known to us." This people appeared very docile.

Here is a mission all ready, composed of two neighbouring nations, capable of fully occupying a missionary.

Time pressed us; I took my way towards the place whence I had set out, where I happily arrived, by the river St. Francis, in three days.

On the sixth, I betook myself to the Oumatouminek, distant about eight leagues from our cabin. I found them, in a small number, on their river, the young men being still in the woods. This nation has been almost exterminated by war. I have had difficulty to understand them. Time has enabled me to discover that their language is Algonquin, but much corrupted. They have not failed to understand me better than I understood them; after a small present that I made the old men, I announced the gospel to them, which they wondered at, and listened to with respect.

On the ninth, the old men having invited me to their council, they made me a present, with graceful gestures, for that I had come to visit them, to give them the knowledge of the true God. "Take courage," said they to me, "instruct us often, and teach us to speak to Him who has made all things."

We have called this mission "Saint Michael," the same as the river which is the place of their dwelling.

The tenth, having arrived at the lodges, a Pouteoütami not daring to ask me the news, addressed himself to our dog in these terms: "Tell me, captain's dog, what is the state of the affairs of the Oumacouminetz: thy master has told it to thee, thou hast followed him everywhere, do not conceal it from me; I dare not ask him concerning it." I saw easily what he meant.

The thirteenth, I crossed the bay to go and find the Oueni-bigoutz, in their wilderness, where they were assembled. The next day I held a council with the old men and the youth, and announced the gospel to them as I had done to the others. About thirty years ago, every one of this nation was killed or led away prisoner by the Ilimouck, except one man only, who escaped, with his body pierced through by an arrow. He was made chief of his nation, as never having been a slave, the Ilimoüetz having sent back his captive countrymen, once more to inhabit their lands.

They speak a peculiar language which the other savages do not understand; it does not come near the Huron, nor the Algonquin. They say that there are only certain people of the south-west who speak as they do. I have learned some words of it, but above all, the catechism, the Pater, and the Ave.

I visited them in their cabins and instructed them. I did the same with the Pouteoüatamis who dwell with them. Both the one and the other requested me, by their presents, to come and instruct them next autumn.

### STATE OF THE CHRISTIANS.

We did not know how to observe to our Christians an exact profession of Christianity, from the manner that we are obliged to live among them: from the beginning, having only one cabin in their own fashion, we could not instruct them, nor perform the other exercises of religion at regular times, as is done in a chapel. We have nevertheless endeavoured to assemble them

every Sunday, to teach them the catechism, and make them pray to God. We have here seven adult Christians, and forty-eight others, infants, or almost adults, that we have baptized, in danger; part at the Point of the Holy Ghost, part in this quarter, during this winter. I do not count those who are dead, who are about seventeen. I have had the consolation this winter to see the fervour of our Christians, but above all, of a girl baptized at the Point of the Holy Ghost, named Maria Movena, who has resisted against her parents from last spring until the present time, every effort which they had made to oblige her to marry her brother-in-law; she never was willing to do so; her brother has often beaten her; her mother has often refused to give her food; at times getting into such a rage as to seize a firebrand and burn her arms. This poor girl told me of all this bad treatment, without her courage ever having been shaken, voluntarily offering up to God all her sufferings.

As it regards the infidels in these quarters, they fear greatly the judgments of God and the pains of hell. The unity and majesty of God well satisfies their minds. Oh, if these poor people had the aids and the means that the Europeans have in abundance, to effect their salvation, they would all be good Christians. Oh, if they could see something of the magnificence of our churches, of the devotion with which they are frequented, of the great charities which are exercised toward the poor in the hospitals, I feel assured that they would be much affected by them.

On the twentieth, I embarked with a Frenchman and a savage to go to Saint Mary of the Sault, (Falls,) where duty called me, leaving all these people in the hope that we will return next autumn, as I had promised them. (End of the journal.)—Pages 62 to 100.

As a conclusion we add here, that, to strengthen the work of so ample a mission, they have sent there Father Gabriel Drouillette, one of the oldest and most noted missionaries; and Father Louis Andrè arrived here last year, appointed from the first, to that mission, where he has now gone, after

having made here a year of noviciate in the mission of the Algonquins, who here make their abode.

(Here follows an account of the eclipse on the 19th of April, A. D. 1670, as it appeared at Quebec, which account closes this volume.)

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*Relation, &c.*, 1670 *and* 1671. *Sent to the Rev. P. Jean Pinette, Provincial, &c. By Claude Dablon.*

(From the preface written by Dablon, I make the following extracts:—)

Our missionaries are infinitely obliged to the king for having opened to them the door, and made a free passage to so many nations so distant from us; this is by the peace that the diligence of a wise minister has established between the Iroquois and the Outaouacs. But as the Iroquois are always Iroquois, and the Outaouacs always barbarians, both the one and the other must be held to their duties; the former by the dread, and the latter by the esteem which we should make them have of his majesty. * * *

At the beginning of the Relation of the Outaouacs will be found a map, which represents the lakes, the rivers, and the lands over which are established the missions of this country. It has been drawn by two Fathers, sufficiently intelligent, very curious, and very exact, who have been unwilling to put any thing on it which they have not seen with their own eyes. For this reason they have only put on it the head-waters of the Lake of the Hurons, and that of the Ilinois, although they have voyaged a great deal upon the one and the other, which appear like two seas, they are so extensive; but because they have not themselves taken notice of some of their parts, they prefer in a measure to leave the work imperfect, rather than to give it defective, as is always done in such matters, when made on the simple report of others.

*Relation of the Missions to the Outaouacs, of the years* 1670 *and* 1671. *Third Part.—Explication of the idea we ought to have of all the Missions comprised under the name of the Outaouacs.*

It is right to give a general view of all the countries of the Outaouacs, not only to distinguish the places where the faith is made public by the establishment of missions, but also because the king, having quite lately taken possession of them by a ceremony worthy the eldest son of the Church and of a most Christian sovereign. He has placed all these people under the protection of the cross, previous to taking them under his own, and has been unwilling to extend there his power, until that of Jesus Christ should be planted there; as has been declared by the narration which has been made of this possession.

(After speaking of the Mission of St. Mary of the Sault, he says:)

Toward the other extremity of the same lake (Superior), appears the Mission of the Holy Ghost, which is composed in part of the place called the Point of Chagaoüamigong, and in part of the adjacent isles, where the Outaoüacs with the Hurons of Tionnontate betake themselves, according to the proper season, either for fishing or for the Indian corn.—Pages 87 to 89.

* * * We may also, in passing along, remark all the places on this Lake, where it is said that copper is found; for although up to the present time we have not a well-assured knowledge of it, for want of a sufficiently exact research, nevertheless the plates and masses of this metal that we have seen, weighing each one hundred and two hundred pounds; and much more, that great rock of copper of seven to eight hundred pounds, that all travellers see near the end of the lake; and beside, the quantity of fragments which we find on the borders of the water in several places, seem to forbid us to

doubt that there are, in some place, parent mines which we have not yet discovered.—Page 91.

At length, between the Lake of the Ilinois and the Upper Lake, we see a long bay, called "of the Puants," at the end of which is the Mission of St. Francis Xavier. At the entrance of this bay we meet with the islands called "Hurons," because the Hurons, after the desolation of their country, retreated here, for some time; in one of which, particularly, is found a species of emeralds in figure of diamonds, some white, others green. Farther on still, toward the north, we may see a little river, to which we give the name of Copper River, on account of a mass of metal, weighing more than two hundred pounds, which we have seen there.

Approaching the end of the same bay, we see the river of the Oumaloumines, as they call the nation of the wild oats, (Fols avoine, or wild rice;) which is a dependance of the Mission of St. Francis Xavier, as well as the Poteoüatami, the Ousaki, and other people who, have been driven from their country, (which is to the south,) near to Missilimakinac; and farther in advance we see the Fire Nation, or the Mathkoutench, with one of those of the Ilinois, called the Oumami; and the Outagami.—Pages 93, 94.

The taking possession, in the name of the king, of all the countries comprised under the name of the Outaouacs.—Page 96.

(This is an interesting chapter, but the substance of it may be found in Bancroft, vol. iii. p. 154, 155.)

Of the Mission of St. Mary of the Sault, and of some wonders which God has there worked in favour of the establishment of the faith.—Page 102.

(The subject of this chapter is indicated by the title.)

The Father Gabriel Dreuillettes, one of the oldest missionaries of Canada, where he has laboured for the conversion of the savages for more than twenty years, has happily come to aid us.

(The chapel and mission-house at the Sault were burned January 27th, 1641.)

## CHAPTER II.

Of the Mission of Saint Simon in the Lake of the Hurons.

War and peace gave birth to this mission; the war of the people called the Nadoüessi, who drove the Outaouacs from the Point of the Holy Ghost, where they dwelt; and the peace of the Iroquois, which permitted them to return to their own country. It is in the island called Ekaentouton, situated in the middle of the Lake of the Hurons, that a party of Outaouacs, who separated last summer from the others, have retired as into their old country.

The Father Louis Andrè, this year come up into these quarters, was appointed to it, and has made many *flying* missions there.—Page 116.

Of the mission of St. Ignatius at Missilimakinac.

Missilimakinac is a famous island in these parts, more than a league in diameter, and with escarpments in some places of such high rocks that it can be discovered at more than twelve leagues distance. It is situate exactly in the strait by which the Lake of the Hurons and that of the Ilinois have their communication; it is the key, and the door for all the people of the south, as the Sault is for those of the north—not having in these quarters but these two passages by water for a very great number of nations, who must come to one or the other of these two places, if they wish to repair to the habitations of the French.

A great facility is here presented for the instruction of these people when they pass, and to convey ourselves among them with more convenience.

This place is the most celebrated in all this country for the abundance of fish, since, according to the manner of speaking of the savages, "their country is here." Everywhere else, for great quantities that are there, it is not their *habi-*

*tation*, properly, but only so in the vicinity of Missilimakinac.

In fact, besides the fish common to all the other nations, as is the herring, the carp, the pike, the sun-fish, the white fish, and the sturgeon, three sorts of trout are found here, one common, another larger, three feet long and one foot wide, and the third monstrous, for we cannot describe it otherwise; it being besides so fat, that the savages who make their delicacies of fat, eat it with difficulty. The quantity of it also is such, that one of them can spear with a weapon, under the ice, from forty to fifty in three hours' time.

It is this which has formerly attracted to so advantageous a place, the greater number of the savages of this country, who have been dispersed by the fear of the Iroquois. The three nations who are at present in the Bay of the Puants, as strangers, resided on the mainland which is to the south of this island; some on the banks of the Lake of the Ilinois; others upon those of the Lake of the Hurons: one part of those who call themselves "Leapers," (Sauteurs,) had their quarters on the mainland toward the west, and the others also regard this region as their country, to pass the winter there, during which time there are no fish at the Sault. The Hurons, called Etionnon-tate-hronnons, have dwelt some years in the island itself, flying from the Iroquois. Four villages of the Outaoüacs also had their lands in these quarters.

But above all, those who bore the name of the island and called themselves Missilimakinac, were so numerous, that some of them who still live, assert that they comprised thirty villages, and that they were all shut up in a fort of a league and a half in circuit; when the Iroquois came and defeated them, flushed with a victory which they had achieved over three thousand men of that nation, who had even carried war into the country of the Agnichronnons.

In a word, the quantity of fish, added to the excellence of the land for bearing Indian corn, has always been a very powerful attraction to the people of these quarters, of whom the greater part live only on fish, and some on Indian corn.

It is on this account that many of the same people, seeing that peace appeared to be established with the Iroquois, cast their eyes upon this place, so convenient for each one from here to return to his country, and follow the steps of those who have already begun by the isles of Lake Huron: by this means it will find itself populated with nations almost from one end to the other; which would be a very desirable thing to facilitate the instruction of these people, whom it would not be necessary to seek two and three hundred leagues distant, on these great lakes, with inconceivable fatigue and danger.

To aid in the execution of the design which many savages have exhibited to us, of once more inhabiting this country, and in which some already have passed the winter, hunting in the neighbourhood, we also have wintered here, to form the project of the mission of Saint Ignatius; from which it will be very easy to have access to all those of the Lake of the Hurons, when the nations shall be restored there, each one upon its own land.—Pages 135–139.

## CHAPTER IV.

Of the Mission of the Holy Ghost at the extremity of the Upper Lake.

These quarters of the north have their Iroquois, as well as those of the south: there are certain people called Nadouessi who make themselves dreaded by all their neighbours, because they are naturally warlike: and although they make use of only the bow and arrow, they nevertheless use it with so much skill, and with so much quickness, that in a moment they fill the air; above all, when in the Parthian mode they they turn their heads in flying; for it is then that they discharge their arrows so hastily, that they are no less to be feared in their retreat than in their attack.

They dwell on the shores of, and around the great river called Missisipi, of which we shall speak. They number no less than fifteen towns, well populated, and yet they know not

how to cultivate the earth by seeding it, contenting themselves with a species of Marsh rye, that we call wild oats, which their prairies yield naturally, and which they share among themselves to make their harvest, each one separately, without encroaching one upon the other.

For sixty leagues from the extremity of the upper lake towards sun set, and, as it were, in the centre of the western nations, they have all united their force by a general league, which has been made against them, as against a common enemy.

They speak a peculiar language, entirely distinct from that of the Algonquins and Hurons, whom they greatly surpass in generosity; since they often content themselves with the glory of having obtained the victory, and freely release the prisoners whom they have taken in battle without having injured them.

Our Outaouacs and Hurons of the Point of the Holy Ghost, had, to the present time kept up a kind of peace with them; but affairs having become embroiled during last winter, and some murders even, having been committed on both sides, our savages had reason to apprehend that the storm would soon burst upon them, and judged that it was safer for them to leave the place; which in fact they did in the spring, when they retired to the Lake of the Hurons: the Outaouacs in the island of Ekaentouton, with those of their nation who since last year had gone there before them, and where we have afterwards established the mission of Saint Simon; and the Hurons, in that famous island of Missilimakinac, where we have last winter began the mission of Saint Ignatius.

And as in this kind of transmigration the mind is not sufficiently settled, so the Father Marquette, who has had the charge of this mission of the Holy Ghost, has there had more to suffer, than to do, for the conevrsion of these people; for, except some children that he has baptized, the sick whom he has consoled, and the instructions which he has continued to those who had professed Christianity, he has been almost idle in the conversion of others, having been obliged, as

well as themselves, to leave this post, and follow his flock, submitting to the same fatigues, and encountering the same dangers with them.

This was, to repair to this country of Missilimakinac, where they had formerly dwelt, and which they had reason to prefer to many others, on account of the advantages which we have related of it, in the preceding chapter; and moreover because this climate appears altogether different from that of the surrounding neighbourhood, for the winter here is pretty short, not commencing until a long time after Christmas, and terminating toward the middle of March, at which time we have here seen the renovation of spring.—Pages 144–147.

## CHAPTER V.

Of the Mission of St. Francis Xavier and of the nations belonging to it.

This mission embraces eight different nations, or even more, which would comprehend some people less sedentary, who are here spoken of.

The most enlightened and most instructed in the faith, are those who live at the extremities of the bay called "of the Puants;" it bears this name, which is the same that the savages give to those who dwell near the sea, perhaps because the odour of the marshes which surround this bay has something similar to that of the sea; and, besides, it is difficult to find on the ocean more violent gales of wind than those which are experienced here, with extremely violent and almost continual thunders.

Four nations make this their residence, to wit, those who bear the name of the Puants, and who always have dwelt here as in their own country: from a very flourishing and very numerous people as they were, they are reduced to almost nothing, having been exterminated by their enemies the Ilinois. The Pouteoüatami, the Ousaki, and those of the Forks also dwell here, but as strangers, the fear of the Iroquois

having driven them from their lands, which are between the Lake of the Hurons and that of the Ilinois.

A fifth nation, which they call "of the wild rice," because in their country they are found living on the banks of a tolerably handsome river, which discharges itself into this same bay, some fifteen or twenty leagues from its end.

Penetrating the country by another river, which is at the extremity of the bay, we navigate and turn to the right, to meet with the nation of the Outagami, a fierce and arrogant people; and pretty near, another, called Nantoüè; then, ascending to the left, on the same river, we find the nation of the Maskoutench, and the Oumami, a people more civil and milder, as will be related hereafter.

All these nations are embraced in the mission of St. Francis Xavier, and we are about to see in the following articles, how the faith has been announced to all of them, and what are the works of mercy upon these poor barbarians.

### Article I.

Voyage in the Bay called "of the Puants," and of what happened there of most consideration.

Father Claude Allouez, who has the care of this church, and who laid the first foundations of it, having been obliged last summer to make a tour as far as the Sault, left it shortly afterward, not only to go as far as the Bay of the Puants, but also to proceed to the Fire Nation. I accompanied him in this voyage.

We repaired to the extremity of this bay, the 6th of September, 1670, after more than a hundred leagues of route, which we made in a canoe, very happily. We found affairs there in a pretty bad posture, and the minds of the savages much soured against the French, who were there trading; ill treating them in deeds and words, pillaging and carrying away their merchandise in spite of them, and conducting themselves toward them with insupportable insolences and indignities.

The cause of this disorder is, that having received some bad treatment from the French, to whom they had this year come to trade, and particularly from the soldiers, from whom they pretended to have received many wrongs and many injuries: to avenge themselves, as these people are more factious than all the others, they had chosen some forty of their young men, made a captain for them, and formed them into a company of soldiers, to make use of them at the quarters of the French who are in this country, in the same manner as the soldiers of our French dwellings had behaved in regard to them.

On our arrival we appeased these spirits, and arrested the insolences of these barbarians: after which, we caused the four nations of this Bay to assemble, in order to declare to them in full council the cause of our coming, which was only to teach them the way to heaven, and to render obedience to the Master of our lives; and in the mean time to give them necessary reprimands upon the past disorders, to which, as older and wiser than the young men, they ought to apply a remedy, if they would not encounter the anger of Monsieur the governor.

This council was conducted on their part with the same ceremonies that they had seen in our dwellings. The newly made soldiers took on themselves the duty of doing to us, by way of honour, what they had observed among ours, at similar meetings; but in a savage manner, that is to say, ridiculously, not being accustomed to it. When it was time for assembling, two of them came to call us, with musket on the shoulder, and war-hatchet at the girdle, in place of a sword: and during all the time of the assembly, they constantly stood, as on duty, at the door of the cabin, keeping the best countenance they could, walking, (which the savages never do,) with guns sometimes on one shoulder, sometimes on the other, with postures altogether surprising, and the more ridiculous, the more they endeavoured to act seriously. We had difficulty to prevent ourselves from laughing, although we only treated of the most important affairs, to wit, the myste-

ries of our religion, and matters necessary to save us from burning in hell-fire eternally.

In the evening, all the old men paid us a visit of honour; the savage soldiers, so agreeably *frenchified*, always doing their duty. They exhibited to us the satisfaction they experienced in seeing us, and to have heard the matters of faith which had been explained to them; then seeking to justify themselves the best they could, touching the disorders for which we had reprimanded them, they added, that their soldiers had not so ill treated the French, as they had been ill treated in our dwellings; that they had not maimed any one, but that they bore the marks of broken arms and cut hands, and other wounds which they had received. They added, that their young people had no mind, and listened not to the old folks, being, above all, in the licentious state which is commonly attributed to soldiers. That, nevertheless, they had obeyed us, and had driven off that company, of which we would no longer see the marks. They added many other things for their justification, and failed not to give us a recital of the good reception which Monsieur the Governor, and the French of Quebec had given them, which had obliged them to put an end to the disorders more promptly.

Father Allouez had all leisure, during the winter that he has passed in this Bay, to instruct them; in which God has given him such success, that he bears witness of them in these words:—

"That they are for the most part disposed to receive our holy faith; they fear the judgments of God, and hell, and earnestly ask for a chapel to meet in, and pray together."

The Ilinois, who are said to have already arrived to dwell in this country, will increase this church; for they have very fine dispositions for Christianity, as will appear by what will be said in the following articles.

ARTICLE II.

Voyage of the same two Fathers to the Fire Nation, and of the beauty and rareness of that country.

If the country of this nation has something of the beauty of a terrestrial paradise, we may say that the road that leads to it, is also, in some manner, like that which our Lord represents to arrive at heaven; for scarcely do we advance one day's journey in the river at the extremity of the Bay of the Puants, when we find three or four leagues of rapids to contend with, more difficult than those which are commonly in the other rivers, in this, that the flints, over which we must walk with naked feet to drag the canoes, are so sharp and so cutting, that one has all the trouble in the world to hold one's self steady against the great rushing of the waters.

At the fall of these rapids, we found an idol that the savages honoured at this place; never failing, in passing, to make him some sacrifice of tobacco, or arrows, or paintings, or other things, to thank him that by his assistance they had, in ascending, avoided the dangers of the waterfalls which are in these streams; or else, if they had to descend, to pray him to aid them in this perilous navigation. It is a rock formed naturally in the shape of a man's bust, of which, from a distance, seems to be distinguished the head, the shoulders, the breast, but much more the face, which the by-passers ordinarily paint with their handsomest colours. To take away this cause of idolatry, we caused it to be lifted up by the strength of arm, and cast into the depths of the river, to appear no more.

After one has passed these ways, equally rough and dangerous, as a recompense for all these difficulties which one has overcome, we enter into the most beautiful country that can ever be seen; prairies on all sides, as far as the eye can reach, divided by a river, which gently winds through them, and on which to float by rowing, is to repose ones-self. When we have arrived at this place, we have passed the forests and

mountains: there are only small eminences, planted with groves, here and there, as if to offer their shade to the traveller, that he may there refresh himself from the ardent heats of the sun.

Here are seen only elms, oaks, and other trees of like nature, and not those which, being ordinarily found only on bad lands, are merely fit to cover cabins with their bark, or to make canoes. For this reason, these people know not what it is to go on water, and have no other houses, for the most part, than those made of rushes bound together in the form of mats.

Vines, plum-trees, and apple-trees are readily found in passing along, and seem by their appearance to invite the traveller to disembark and taste their fruits, which are very sweet and in great quantities. All the borders of this river, which flows tranquilly in the midst of these prairies, are covered with certain herbs, which bear what is here called the wild oats, of which the birds are wonderfully fond; the quantity of all sorts of game, also, is so great everywhere about here, that, without much stopping, we have killed it at discretion.

This is all a prairie country, spread, according to our knowledge, for more than three hundred leagues around, besides that which we do not know; which richly feeds wild cows that one meets with pretty often in droves of four or five hundred beasts, readily furnishing by their number, food for entire villages, who for this reason are not obliged to separate by families during the hunting season, as the savages of other countries do.

It is also among these rich pastures where are found buffaloes, which they call "Pisikiou," which much resemble our bulls in size and strength, but surpass them, in the first place, in their breeding, for the females bring forth each time three or four little ones together; secondly, in their horns, which in truth are altogether like those of our cattle in shape and colour, but which are a size larger, being near two feet long when the animals are young; and thirdly, in the wool, which they have very thick, hairy, blackish, and partaking a little

of that of sheep, but much stronger and thicker; they also make of it, robes and fur-linings, which protect against the cold more than all others in this country. The flesh of it is excellent, and its fat mixed with the wild oats, makes the most delicate dish in this country.

The same river of which we speak, is interrupted by many little lakes, in which are seen in numbers, certain rare birds, of a species altogether peculiar, which the savages call "chetè:" one would suppose, to see them at a distance, that they were swans, because they possess their whiteness of plumage, their length of neck and feet, and largeness of body; but the difference and rarity is in the bill, which being a large foot in length, and thick as the arm, they carry, ordinarily, resting on their neck, which they fold in for this purpose, so as to make for it a very delicate bed; they hold it in this posture, to relieve themselves of its weight, when they do not make use of it in fishing; for then it is wonderful to see that under this bill, nature has formed a species of sack, which opens and shuts more or less, according to the quantity of fish that they enclose in it. This sack is made of a very delicate and very pliable skin, which being closed, gathers itself up so well, and so neatly the whole length under the bill, that nothing appears, to give any alarm to the fish; but when the time comes, they know how to enlarge it so quickly, and to open it so much, that a man's head would go into it without difficulty; and swimming at the same time against the fish that waits for them under the stream, when they dive, holding this sack all spread out, they cause it to enter as into a net, and then shut it quickly for fear it should escape. Thus has God taught men to fish in an artificial manner, by the lesson given by these natural fishers. One does not weary of sailing on these lakes and rivers when this diversion is met with.

It is necessary to proceed more than twenty leagues in this beautiful country before we arrive at the "Fire Nation," which is situate on a little rising ground, from whence nothing but vast prairies are seen on all sides, with some groves in various parts, and which nature seems to have produced only for the

delight of the eyes, or for the necessities of man, who cannot do without wood.

Here then we arrived on the 13th of September, 1670, and were received by the concourse of the whole people, there to do that, which is related in the following article.

## Article III.

Of what transpired touching the publication of the Faith at the Fire Nation, and at one of those of the Ilinois.

The Fire Nation bears this name erroneously, calling themselves Maskoutenech, which signifies "a land bare of trees," such as that which this people inhabit; but because by the change of a few letters, the same word signifies "fire," from thence it has come that they are called the "Fire Nation." It is joined in the circle of the same barriers, to another people named Oumami, which is one of the Ilinois nations, which is, as it were, dismembered from the others, in order to dwell in these quarters.

They compose together more than three thousand souls, being able each one, to furnish four hundred men to defend themselves against the Iroquois, who come even into these distant countries to seek them.

From the morning after we came into this village, we discoursed of the business which brought us; and having assembled the old men of the two nations separately, we declared to them in the first place, that we were the ambassadors of the Master of our lives, sent to all the nations of this earth to instruct them; that we had spoken to the Outaoüacs, to the Saulteurs, (Leapers,) to the Hurons, to the Poutcoüatami, and to all the others, by whom we have been favourably listened to, and that we promised ourselves the same on their part, according to the good welcome which they had given us on our arrival.

Secondly, Father Allouez having renewed the knowledge which he had given them last spring touching the majesty and unity of God, and of the Incarnation of his Son, he enlarged

on some more sensible and moving truths of our faith, as of paradise and hell; and to give them a better conception of them, and through the eyes to penetrate the heart with those things which they had just heard, he showed them a picture of the general judgment, and took occasion to explain to them some things within their capacity, of the happiness of saints and the torments of the damned.

This poor people regarded with astonishment this picture, never having seen any thing like it, and they listened with an attention and a silence full of respect, but with such an eagerness, that not contenting themselves with the instructions which were given them every day in public, and in private, in the streets, in public places, and in the fields, they met together at nights in crowds, to hear in detail the mysteries spoken of, which had been imparted to them.

They had conceived so high an idea of the matters of the faith, and of those who published it, that they invited them to many feasts, not so much to eat there, as to obtain through our means, either health for their maladies, or good success in the chase and in their wars.

Such was the feast to which we were called, where a very peculiar ceremony was observed. It seemed that it was a feast for fighting, and not for eating; for, in place of a table, they had erected a kind of trophy, on which were hung all the arms of a warrior, the bow, the arrows, the quiver, the war-hatchet, with the munitions for the mouth, to wit, a little flour, and some tobacco, with other things which the soldiers of this country are accustomed to carry with them to animate them to the combat. The master of the feast, nevertheless, caused to appear a dish of Indian corn boiled in the fat of the pisikiou, (buffalo,) and presenting it to us, he addressed us in these words:—"You have heard speak of the people whom they call Nadoüessi: they have eaten me to the bones, and have not left me a single one of my family in life; I must taste of their flesh, as they have tasted of that of my relations. I am ready to set off, going against them in war, but I despair of success, if you, who are the master of life and of death, are not favour-

able to me in this enterprise. To obtain the victory then, through your means, I have made this feast."

This was a fine occasion, undeceiving this man, to instruct him, and with him, the whole assembly, declaring that we were only the humble servants of the great God of armies; that it is from Him only that we ought to expect the assistance and success that we wish for in all things; but that the great secret to succeed well in them, is to acknowledge Him, and obey His commandments. It was easy, during the repast, which was of Indian corn only, to continue these discourses.

We were invited again to other feasts for similar designs, or to gain our good-will, or to give us diversion; for sometimes would appear some ones of the most aged, clothed as if they would play a comedy, dancing to the cadence of some very melodious airs, which they sung in good accord.

This esteem, which they made apparent at all meetings, gave us free access into the cabins, where we were regarded and listened to as extraordinary genii; we also availed ourselves of this advantage to instruct them everywhere, and seek the sick in all the cabins.

There was not at that time, but one in the village: it was a child of ten or twelve years, consumptive for a length of time, and who went about, dying by inches; he was instructed and publicly baptized, with the approval and admiration of all those good people, and received the name of Francis in his baptism, which was happily followed by the health of body and soul.

All this, and many other things which have occurred, are common to the two nations of this village, but something in particular must be said in recommendation of the Ilinois.

### Article IV.

Some peculiarities of the nation of the Ilinois; above all, of the good disposition and civility of this people.

As we have given the name of Outaoüacs to all the savages of these countries, although of different nations, because the

first who have appeared among the French have been Outaoüacs; so also it is with the name of the Ilinois, very numerous, and dwelling toward the south; because the first who have come to the Point of the Holy Ghost for commerce, called themselves Ilinois.

These people are placed in the midst of the beautiful country of which we have spoken, toward the great river named Missisipi, of which it is well to set down here what we have learned of it. It seems to act as the compass of all our lakes, taking its rise in the regions of the north, and flowing toward the south, until it discharges itself into the sea, which we judge to be either the Vermilion Sea, or that of Florida; since we have no knowledge of any other great rivers near those quarters, than those which discharge themselves into these two seas. Some savages have assured us that this river is so fine, that for more than three hundred leagues from its mouth it is larger than that which flows before Quebec, which is there a league in width. Moreover, that all this great space of country is of prairie, without trees, and without wood; which obliges the inhabitants of these countries to make fires of turfs of earth, and the excrements of animals, dried by the sun. Approaching within about twenty leagues of the sea, the forests begin to reappear. Some warriors of this country, who say they have gone thus far, assure us that they have seen men there, shaped like the French, who cleaved the trees with large knives, and some of whom had their houses on the water. It is thus that they explain themselves, in speaking of sawed planks and vessels. They say, besides, that all along this great river are divers colonies of nations different in language and manners, and who all make war on each other; some are there found who are placed on the borders of the river, but many more within land, continuing thus, to the nation of the Nadoüesse, who are scattered over a hundred leagues of country.

It is beyond this great river that are placed the Ilinois of whom we speak, and from whom are detached those who dwell here with the Fire Nation, to form here a transplanted colony,

to be followed quickly, as we hope, by others, whom the Holy Ghost will bring us in these parts to be instructed; it being almost impossible for us to go in their country; and in fact, many have already repaired to the others, who furnish a fine field for evangelical workmen, because we cannot find any who are fitter to receive the impressions of Christianity.

One can scarcely believe the civility, the kindness, and the testimonies of affection which these people have exhibited to us; and above all, the chief of this nation of the Ilinois, who is as much respected in his cabin as a prince would be in his palace. He was there always surrounded by the most considerable people of the village, whom we might almost call courtiers, so much were they in a civil posture, full of deference, keeping there always a respectful silence, to show the esteem in which they held his person and ourselves. It was a pretty large cabin, in the middle of which he had placed whatever he had most precious, to receive us; and had taken a position opposite to us, from which he seldom stirred during the whole time that we remained there, as if to do us honour by his presence, and not to lose either our company or our conversation; even in the streets and in the other cabins, when we were invited there to eat, he accompanied us ordinarily, or caused us to be escorted by some of his people.

The affairs of cookery, although quickly prepared, were not done either in his presence or ours.

He had a wonderful care that we should not be incommoded by the crowd of people who incessantly devoured us with their eyes. When it was time for us to make our evening prayers, he always prepared and busied himself in a charming manner, to make a clear and bright fire, which might give us good light to read, and even compelled all who were present to preserve the greatest silence. To treat us the more honourably, he was careful that his cabin should always be filled with the most notable of his nation, who seemed, for barbarians, to form a court pretty well. Besides, his physiognomy is the mildest and most attractive that one may see, and although he passes for a great warrior, he has a softness of features

which charms all those who look at them. The inner qualities do not belie his exterior, for he is of a tender and affectionate nature; this he made appear, when one night, as we explained to him the mysteries of the Passion, and the death of Jesus Christ, in the presence of a great many people, at the sight of the cross he showed so much tenderness and compassion, which were read in his eyes and over his whole visage, that some Frenchmen, who were with us, were all delighted and astonished; thus triumphed the dying God in this extremity of the world, where the devil so long a time has held his dominion.

Although during all our stay in this place, we have discoursed with this captain and the others, only on matters of faith, he has not had any distaste for it; on the contrary, the more he heard it spoken of, the more he made appear his desire to understand it. This gives us cause to believe that a person who has such fine qualities, and who so readily lets himself be touched by our mysteries, will not be tardy in embracing them.

What we have said of the chief, we may say of all the others of this nation, in whom we have observed the same disposition and good nature, which exhibit nothing of the barbarian; with the eagerness which they exhibit to understand our teachings, they have a great advantage over the other savages, for the faith: in this, that they have scarcely any superstitions, and are not subject to make sacrifices to different genii, as the Outaoüaes and others do: the reason of which, perhaps, is that, not being fishers, but living on Indian corn, which readily grows in these good lands which they occupy, and the chase, which is very abundant, and of which they never have any dearth, they fear not the dangers of the lakes, where many of the other savages perish in fishing, in canoes or under the ice, believing that it is the genii of the waters who devour them, or who pillage their nets, when tempests carry them away; and for this they seek to appease them, or to render them favourable by a number of sacrifices.

Finding themselves exempt from all the above, those here

only adore the sun; but they will soon change this worship, to render it to the Creator of the sun, as some already have begun to do, when they shall have been instructed in the truths of our religion.

During our stay in this village, there were twelve or fifteen men there, come from the true country of the Illinois, either to visit their relations or their countrymen, and in part to make a little trade there. These being about to depart, to return home, came to present themselves to us ceremoniously, and all together; after having saluted us, they told us, in presence of a great number of people who constantly beset us, that they had come to commend their journey to us; that they prayed us to do them the grace to conduct them happily to their country, to see again their relations, and to preserve them on their way from all bad adventures.

This was a fine opening which they gave us, to make them know Him, who is the great Master of our lives, of whom we are only the servants and the deputies, and to whom we would willingly address ourselves for the happy success of their journey.

They replied to us by a compliment which had nothing of the savage in it, in telling us that they had such an esteem for what they had learned from us, that they would not content themselves with going to publish it throughout all their country, but they would make it be resounded among other much more distant people, to whom they would relate the wonders they had seen; and thus parted with us, all proud to have spoken to gentil, as they said, and to have learned intelligence of the other world.

Let us add yet another word of these Illinois, touching their manners. As all other savages in general place their chief pride in decking their head well, above all in wearing their hair either long or short, according to the variety of the nations, these seem to have united both, for they have what the Outaouacs think the handsomest in their hair, short and straight, and what agrees with the others in their long hair; as they trim the greater part of the head like the former, preserving four great whiskers on the two sides of the

ears, which they set in order in a proper manner, so as not to incommode them.

They are not very rich in household goods; their country scarcely furnishes them wherewith to make dishes of bark: the trees which are found among these vast and beautiful prairies not being fit for that; but if they have this inconvenience, in recompense, it seems, that so fine a country contributes to a fine nature, with which they are endowed, and of which they gave us the last testimony on their departure; for the chief of whom we have spoken, and who is as the king of the nation, with the most notable, and a part of the village, would accompany us through honour, to the place of our embarkation, a small league distant from the village.

When we shall return there, we hope to find a chapel, which they are disposed to build themselves, in order to commence there, immediately, the duties of Christianity.

### Article V.

Of the Mission of St. Mark, at the village of the Outagami.

These people are arrogant, because they are numerous; they count there more than two hundred cabins, in each of which there are five or six, and even as high as ten families. Many other nations swell this one, or rather make of it a Babylon by the licentiousness which there reigns as in its empire. The lights of the faith not having yet been able to make an impression on their minds, as they are proud and arrogant, they had formed the design of avenging themselves, by the death of some Frenchmen, for the bad treatment which they had received the last summer in our French habitations. This was the cause that our young Frenchmen, who are here trading, did not dare to set foot among them; but all this gave no fear to Father Allouez, who esteemed himself happy to exposé his life to a manifest danger, to carry the gospel to these poor barbarians, as he has done to all the other people of these countries.

He set off, then, from the Bay of the Puants, where he made

his residence, the twentieth day of February, one thousand six hundred and seventy-one; and having made in six days twenty-four leagues over snows and ice, during the most rigorous season of the winter, which had frozen and almost killed with cold some of those with whom he was associated, he at length arrived in this village, into which he was no sooner entered, than, going from cabin to cabin, he encouraged some by the hope of paradise, and intimidated others by the fear of hell.

He ought not to promise himself any thing from these haughty spirits but the derision, rebuffs, and mockery with which they will at the first receive what is announced to them; above all, in certain cabins where the chiefs have as many as eight wives, and in which he cannot enter but with horror, as into a seraglio; nevertheless, the patience of the Father carried him there, and he saw that these people insensibly softened themselves, and that which they listened to at the beginning with raillery, they received shortly afterward with fear and respect. "What consolation, O my Jesus! (cried the Father to himself, in one of his memoirs) to make you known to those who have never heard tell of you. I had prepared myself for death; I saw from the beginning nothing but insolences and repulses, on the part of these barbarians, and behold how they listen to me with an attention and an affection beyond what I could have promised myself from even the best disposed people. I enter their cabins freely everywhere; I cause the sick to pray to God, and I baptize the dying; and a few days after my arrival, seeing a young person expire, upon whom I had just conferred the holy rite of baptism, oh, what joy I received to see a soul fly to heaven from so dissolute a clime!

"I had also every reason to wonder at the kindnesses which I had received from the greater part of these people, instead of the strokes of the hatchet, which I expected; and still more, at the simplicity of a good old man, to whom I publicly, in his cabin, explained the holy mysteries of the incarnation, and of the death of Jesus Christ; as soon as I drew out my crucifix to exhibit him to their view, this good man, overcome by this

spectacle, wished to recognise and adore him as a God, in presenting to him the incense of this country; this is tobacco, in dust, of which he took a handful three or four times, and as if he had presented so many actions of the censor, he spread it over the crucifix and over myself, which is the greatest mark of honour that they can exhibit toward those whom they look upon as genii. I could scarcely restrain my tears of joy, seeing Jesus Christ crucified, worshipped by a savage from the first time that he heard tell of him.

A woman did almost the same, while being well instructed and baptized, and ready to render up her soul, as she did so; she ceased not to cast tobacco on the crucifix which I presented to her; meaning to do the same, after the same manner that those do who kiss it devoutly.

All the village having been fully imbued with our mysteries, in generals and in particulars, the Father went away, having baptized there five infants and two adults, and after having had assurance, on the part of the old men, that on his return he would find there a chapel, that they would build themselves, to begin in it the duties of Christianity.

It is thus that these people from wolves became lambs, and that little by little, but with great patience, they gained themselves to Jesus Christ; this makes us hope that the faith is going to spread itself with a great number of nations who come near to this one, and to whom we could not have access but with great difficulty."—Pages 87 to 189.

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*Relation, &c.*, 1671 *and* 1672. *By the Rev. Father Claude Dablon, Rector of the College of Quebec, Superior, &c.*

Extract from the preface written by Dablon:—

The discovery of the North Sea and of the famous Bay of Hudson, which has been sought for a long time, and which was undertaken last year by the orders of Monsieur Talon, our Intendant, has afforded the means to one of our missionaries to carry the faith into countries where it never has been

announced, as will be seen in the narration of the journey which he has made there by land. We expect no less from that which Monsieur the Count de Frontenac, and Monsieur de Talon, to comply with the intentions of his majesty, have caused to be undertaken for the discovery of the Sea of the South, which probably will give us an opening to the great seas of China and Japan. The Father, and the French who have been sent on this hazardous expedition, have need of much courage and prudence to go in search of unknown seas, by routes of three or four hundred leagues, altogether novel, and among people who have never seen Europeans.

## Of the Mission of the Outaoüacs.

### CHAPTER I.

More than three hundred baptisms conferred since one year; more than twenty-five nations illumed by the lights of the gospel; a goodly number of sick re-established in health in an extraordinary manner; churches erected, and crosses planted in the midst of idolatry; the faith carried very far toward the north and the south, afford a reason to praise God for the blessings which he continues to pour abundantly on the mission of the Outaoüacs.

The past year, the map of the lakes and the countries in which the missions are situate, has been given to the public; we have judged it proper to give it again this year, to satisfy the curiosity of those who have not seen it, and to mark down some new missions which have been established lately in that country; among others, that of St. Francis Xavier, placed altogether newly, on the river which discharges itself into the Bay of the Puants, two leagues from its mouth; and that of the Mission of the Apostles, on the northern shores of Lake Huron. Father Henry Nouvel, who is Superior of all the missions of the Outaoüacs, has had charge of this one in particular, and has described to us what transpired there. * * *

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## CHAPTER IV.

### Of the Mission of Saint Ignatius, at Missilimackinac.

The Hurons of the Tobacco Nation, called Tionnontati, having formerly been driven out of their country by the Iroquois, took refuge in the island so celebrated for fishing, called Missilimackinac; but they could stay there a few years only, these same enemies having obliged them to leave this post so advantageous. They then withdrew themselves more distantly into the isles which still bear their name, and which are at the entrance of the Bay of the Puants; but not yet finding themselves in a place of sufficient safety, they withdrew much farther forward into the forests, and from thence at length chose, for a final dwelling-place, the extremity of the Upper Lake, (Superior,) in a quarter which has been called the Point of the Holy Ghost. They were there far enough removed from the Iroquois, not to fear them, but they were too near the Nadoüessi, who are as the Iroquois of these parts of the north, being the most powerful and the most warlike people of this country.

Nevertheless, all passed by pretty peaceably during many years, until the last, when these Nadoüessi, having been irritated by the Hurons and the Outaoüacs, war was kindled among them, and they began it with so much fury, that some prisoners which were made on both sides, were put to death by burning them.

The Nadoüessi were nevertheless unwilling to commence any act of hostility, until after having sent back to Father Marquette some images, of which he had made them a present, to give them some idea of our religion, and to instruct them through the eyes; since he could not do it otherwise, on account of their language, which is entirely different from that of the Hurons and Algonquins. Such redoubtable enemies quickly cast terror into the minds of our Hurons and Outaoüacs, who took the resolution to abandon the Point of the

Holy Ghost, and all their fields, which they had for a long time cultivated.

In this retreat, the Hurons, calling to mind the great conveniences which they had formerly found at Missilimackinac, cast their eyes on this place to take refuge in, and this they have done for a year past. This place has all the advantages that could be desired for savages. The fishing there is at all times abundant; the land there is of great repute; the chase of the bear, the stag, and the wild cat is beneficially followed there; besides, it is the great resort of all the nations who come or go from the north or the south. For this reason, since last year, well foreseeing what would happen, we have erected a chapel there, to receive the by-passers, and to improve the Hurons who have stopped there.

Father James Marquette, who has followed them from the Point of the Holy Ghost, continues to have the care of them; as he has not given us any particular memoir of what has passed at this mission, all that can be said is, that this nation having formerly been instructed in Christianity, before the destruction of the Hurons, those who had preserved themselves in the faith are at this time in great zeal. They fill the chapel every day; they visit it often during the day; they there sing the praises of God with a devotion, which has given much of it to the French, who have been the witnesses of it. The adults have been baptized there; the old men have set the example to the children, to make themselves assiduous in prayer; in one word, they practise all the exercises of piety that might be expected from a Christianity formed more than twenty years ago; although it has been for the most part of that time without church, without pastor, and without any other master than the Holy Spirit.

## CHAPTER V.

## Of the Mission of Saint Francis Xavier.

### Article I.

### Of the advantages of the place chosen to build the chapel.

The bay commonly called "of the Puants," receives a river in which they make the fishery of game and fish all together. The savages are the inventors of it; for seeing that ducks, teal, and other birds of that nature, seek in the water for the grains of wild oats, which are found there toward the autumnal season, they spread their nets for them so skilfully, that, without counting the fish, they sometimes take in them in one night, as many as a hundred pieces of game. This fishing is no less agreeable than it is useful; for it is a pleasure to see in a net, when one has drawn it from the water, a duck taken close to a pike, and the carps entangled in the same threads with the teal. The savages nourish themselves with this manna, during near three months. Nature and necessity, which has taught them this sort of fishing, has also given them the invention to make another of them in the same river, two leagues from its mouth. It is a machine a little ruder, but very commodious for their purpose, and which is so made that a child may be an excellent fisher. They construct it in such a manner, that they bar the whole river from one side to the other; it is like a palisade of stakes, which they plant in the water in a straight line, leaving no space but what is necessary for the water to flow through certain hurdles, which stop the large fish. Along the length of this barrier they build scaffolds, on which they place themselves in ambush, and there await their prey with impatience. When the fish, following the current of the water, arrive at this barrier, the fisherman casts a net made in the form of a pocket, into which he easily causes the fish to enter. These two kinds of fishing draw to this place a great number of savages from all parts.

The situation of the place contributes not a little to this; for on the bank of this river, toward the place of which we have just spoken, we see a prairie of four or five arpens wide, terminated at each side by a wood of lofty trees; and besides, grapes, plums, apples, and other fruits, which would be pretty good there, if the savages had the patience to let them ripen. There is also found in the prairies a species of lemon, (citron,) which has an affinity to those of France, but which has nothing of bitterness, not even in their rind; the plant which bears them, partakes a little of the fern. The bear and the wild cat, which is as large as a dog of a middling height, fill the country, and as the woods there are very clear, we see there large prairies in the forests, which render this resting-place agreeable. It is to these kinds of animals, as well as the stag, that the chase is easily made; as well in the woods which are not thick, as on the river, into which he often throws himself, and where one may take him without trouble. To all the advantages of this place, we may add, that it is the only, and the great passage of all the circumjacent nations, who have a continual commerce among themselves either in visiting or in traffic, and it is this that has caused us to cast our eyes on this spot, to erect here our chapel, as in the centre of more than ten different nations, who can furnish us with more than fifteen thousand souls to be instructed in the truths of Christianity. It is there that the Father Claude Allouez, and the Father Louis Andrè, have stopped to work for the salvation of all these people; and to do so more commodiously, they have separated themselves; the one applying himself to the nations who are more removed in the woods, and the other to those who are on the borders of the lake of the Puants.

### Article II.

Of the people who dwell in the Bay of the Puants, and of their famous divinity.

Four different people are placed toward the extremity of the bay, and live there, partly on what they gather from the

earth, and partly from the chase and by fishing. Two others, a little more distant, make their ordinary dwelling on the rivers, which discharge themselves into this same Bay, from the northern side, and they all acknowledge divers kinds of divinities to whom they make sacrifices. These people have gods as the pagans had in former times; they have them in the heavens, in the air, on earth, in the woods, in the waters, and even in hell; and as among theologians, who place particular intelligences not only in the stars, but also on the earth, for the preservation of each species of all things, so, those of our savages who are considered intelligent among them, have this belief; that besides the sun and the thunder, which they recognise as the gods of heaven and the air, each species of beasts, fish, and birds, has a particular genius who has the care of it, who watches over its preservation, and who defends it from the evil which any one could do to it.

It is for this, that as the Egyptians placed on their altars rats and mice, so these people have a peculiar consideration for these animals, as it appeared in a mouse which we had taken and cast out of doors; for a girl having seized on it, and having a desire to eat it, her father first took the mouse, and gave it a thousand caresses; we asked him why he thus treated it? "It is," said he, "because I wish to appease the genius who who has the care of the mice, so that such an extraordinary mess shall not incommode my daughter." There are certain animals, to whose genii they render much more respect than to the others, because they are more useful to them. One cannot believe the veneration which they have for the bear; for when they have killed one of them in the chase, they ordinarily make a solemn feast, with very particular ceremonies. They carefully preserve the head of this animal; they paint it with the handsomest colours that they can find, and during the feast, they put it in a place of honour, that it may there receive the adorations of all the guests, and the praises which they give it, one after another, in their finest songs.

They act something like this in regard to other divinities; but to render them favourable to them, they practise sundry

kinds of devotion, of which the most ordinary and considerable is the following: they remain four and five days without eating, to the end that, having by this diet weakened the head, they may see in a dream, some one of these divinities upon whom, they believe, depends all their good fortune; and since they believe that they cannot be fortunate in the chase of the stag or the bear, if they have not previously seen them in dreams, all their care before going in search of these beasts is, to have had in sleeping, a sight of that one of them which they desire. For this reason they prepare themselves for the chase by the greatest fasts, which they prolong sometimes as far as ten days; this is done more ordinarily by the nation of the Outagami.

They do much more; for, during the time that the men are at the chase, they compel the little children to fast, to enable them to dream, of the bear, that their parents have gone to seek, and they believe that the beast will be taken, if it is once seen in a dream, even by the children. They have many other superstitions, which it would be tiresome to speak of here, but which afford good work for a missionary, who has all these monsters to combat at the same time; this is what Father Andrè has experienced. We are about to relate some matters of labour which he has suffered, to disabuse these poor people.

### Article III.

### Of the Mission made to the people of the Bay of the Puants.

The Father had already forcibly attacked them on their lives, and particularly on their superstitions, during several months that he had passed with them last summer; but being willing to occupy the winter there, he set off the 15th of December, to go there by routes equally rough and dangerous; for, being locked up by the ice in the bay, and desirous of shortening the distance by cutting his way from point to point, he found toward evening, when he wished to land, that the passage was closed up by mountains of ice, piled one on another, which formed as it were a rampart which it was im-

possible to pass through; in the mean time the sun set, before he could find an issue. The Father had already cast his eyes upon some piles of ice-blocks, in the midst of which he designed to pass the night, under shelter of these mountains of ice; but he was happily inspired not to rest there, for these blocks of ice, as the night came on, were carried off by the wind. He found a safer retreat on a point of land which advanced into the lake, and he stayed there with his companions, in truth without danger of perishing there, but not without suffering the rigours of an extreme cold. Nevertheless it was necessary to keep this incommodious post during three days; after which, a north wind having succeeded a rain, made of the lake a complete sheet of ice, so smooth that it was very difficult to walk without falling at every step. To free himself from so troublesome a road, he threw himself in another, more difficult and more dangerous; for, having taken his route along the woods, and being engaged in a country cumbered with cedars and fir-trees, where the ice was not strong enough to bear him, he sunk each moment; he even found himself struggling in the midst of a number of holes which were made in the ice, in such a manner that it was difficult for him to get out of them. He escaped, nevertheless, dragging himself among these precipices, and continued his route with the same dangers, and with the like fatigue, until he reached the place where the savages were; one of the chief of whom, to regale him well, after so much toil, offered him a sack full of acorns, which was not to be refused, for it was no small present among these people, who during the winter have no messes more delicious, when the chase and the fishing do not succeed. The first care of the Father was to visit all the cabins, to teach the children, and to apply everywhere the mysteries of our religion. The days were too short to satisfy the holy curiosity of all this people, who did not allow him even leisure to take his repasts until very late, nor to perform his devotions, except in some retired place, where they did not cease to go in search of him.

The cause for which they sought for him with so much eagerness, was certain spiritual songs which he sung to the chil-

dren, with French airs, which pleased these savages extremely; in such a manner, that in the streets and in the cabins, our mysteries were made public, and were received there with applause, and insensibly stamped themselves on the mind by means of these canticles. This success gave courage to the Father, and caused him to resolve on attacking the men through the children, and to combat with idolatry by these innocent souls. In effect he composed canticles against the superstitions of which we have spoken, and against the vices most opposed to Christianity, and having taught them to the children by the sound of a soft flute, he went everywhere with his little savage musicians, declaring war against the jugglers, the dreamers, and those who had many wives; and because the savages passionately loved their children, and suffered every thing from them, they allowed the reproaches, although biting, which were made to them by these songs, inasmuch as they proceeded from the mouths of their children. It happened sometimes, that as the Father was obliged in the heat of dispute to refute the errors of these superstitious people, and to convince the old men of the falsity and the silliness of their idolatry, it happened, I say, that this troop of children tired of hearing such disputes, threw themselves among them, and sounding their canticles, obliged their parents to be silent. This gave the Father much joy, who saw that God made use of these innocent mouths to confound the impiety of their own parents.

Beside these exercises of piety which were carried on in the village, the Father assembled the savages in his little chapel, where he had three large pictures proper for the instruction of these people; the one, of the general judgment, at the top of which the parents were happy that they were made to remark the place which their baptized children held; and at the foot they saw with horror the torments which the devil endured there. In the second picture were painted twelve emblems, each one of which contained an article symbolical of the apostles. The third exhibited Jesus dying on the cross. The zeal to come and pray to God before these

pictures, and to receive instruction there, was such, that many children came there, through the snow with naked feet, for more than a quarter of a league of distance, which they had to travel.

In these employments the Father passed all the winter, going through the villages one after another, and putting there a holy emulation as to who knew the most spiritual songs, and who had the most children to baptize, and who were the most learned in our mysteries. Nevertheless, we must not persuade ourselves that we can recover the vices of the young people, cry down the jugglers, reprimann the superstitious festivals, and make open war against idolatry, without receiving from time to time, affronts among these people, who have neither law, nor police, nor magistrate to prevent disorders. The devil takes too much interest to maintain his kingdom, not to raise up persecutors against those who would destroy it. But these crosses are the delights of missionaries who have no greater desire than to mingle their sweat with their blood. The Father has not been deprived of these favours among his apostolic labours, during which he has not failed to make some curious remarks on the tides in the Bay of the Puants, where he has passed a good part of the year.

### Article IV.

### Of the Tide in the Bay of the Puants.

Here is what the Father writes about it:—"I had not been until now, of the opinion of those who believe that Lake Huron is subject to ebbing and flowing, as well as the ocean, because I had not remarked any such thing, properly regulated, during the time that I dwelt on the borders of this lake; but I began to suspect that there really might be a tide in the Bay of the Puants, after having passed the river called "the Wild Oats." We had left our canoe in the water, the weather being very calm, and the next morning we were much surprised to see it aground; I was more astonished than the others, because I considered that for a long time the lake had been perfectly

calm. From that time I resolved to study this tide, and at first I remarked that a very moderate contrary wind did not prevent the ebbing and flowing according to its course. I noticed also, that in the river which discharges itself at the extremity of the bay, the tide ebbs and flows twice in a little more than twenty-four hours. Ordinarily, it rises one foot, and the highest tide that I have seen, caused the river to rise three feet, but it was aided by a violent wind from the north-east. If the south-west wind is not very strong, it does not check the current of the river, in so much, that the middle always flows down toward the lake, although the water ascends on each side, according to the regular time of the tide. As there are but two winds which prevail upon this river and lake, one might easily attribute to them the cause of these tides, if they did not follow the course of the moon; which, however, cannot be doubted, as I have discovered that when the moon is full, the tides are the highest; that they decrease afterward, and that they diminish always in proportion as the moon wanes. We need not be astonished that the ebbing and flowing is more apparent at the end of the bay than in Lake Huron, or the Lake of the Ilinois; for when the tide is scarcely perceptible in these lakes, it may be very remarkable in the bay, which is about fifteen or twenty leagues in length, and five or six in width, or more at its commencement, and gradually diminishes towards the extremity; thus the water being forced into a narrow space, must necessarily rise higher than in the lakes where it has greater liberty.

### Article V.

Mission of the Father Claude Allouez to the Maskoutench, the Outagamis, and other people toward the south.

Almost as much time is necessary to follow Father Claude Allouez here, in relating his apostolical courses, as he expended in their performance; for there has not been any nation in which he has not effected works for the glory of God, which would take very long to recount. We may reckon the works of the Father by the baptisms which he has made, and bap-

tisms which by the wonderful dispositions of Providence, have been spread abroad for the salvation of these savages. This will readily be perceived by the little we are about to say of the almost incredible pains which he has taken to teach people of five different languages, some of whom, who have recently come from the quarters of the south-west, had never heard of the faith.

The Father, arriving in the Bay of the Puants, after a navigation of more than a hundred leagues, had no sooner disembarked, than he found a newly-born child, just at the point of death; he baptized it, and at the same time sent it to heaven. At the same place, and at the same time, he baptized a sick old man, but who having survived his baptism, has not yet been able to obtain, after more than sixty years, that which the infant received, after a life of a quarter of an hour. Let us observe two other marks of Providence: the kind welcome given to the Father among the Maskoutench, afforded him the occasion of conferring two baptisms; and the bad treatment which he received on his way to the Outagamis was also of the value of two to him. He found in that village of the Maskoutench, which is the Fire Nation, three people of different languages; he was received there as an angel from heaven, particularly by those, who having recently arrived from the quarters of the south, had never had knowledge of any Frenchman; they could not satisfy themselves with gazing on him; the days were too short to hear him speak of our mysteries; it was necessary thus to employ entire nights. So favourable a reception stayed the Father very willingly, and gave him the opportunity of baptizing two sick persons. A sick woman whom he made a Christian on the road to the Outagami, cost him great hardships; it became necessary that he should go into the woods to search for her, where having lost himself, he was constrained to take his lodging under a tree, and pass the night without fire, in the midst of snows.

It was still necessary to purchase other baptisms by greater sufferings; when he found himself in these villages, famished, he contented himself, like these poor people, in eating merely

acorns, of which they only gave him a small quantity, having not enough of them for themselves. The baptism of sixty children and of some adults in the village of the Outagami are so many wonderful traits of Providence; but this had more visibly been shown in the death of two adults; one of a woman who sought in this country, baptism, and a happy death, in the hands of the Father, after many turns and accidents, having been captured here by the Iroquois, and taken home by them; then conducted to Montreal; from which at length she returned to the Outaoüacs, to find her happiness there. The other, of an old man, who only awaited the arrival of the Father to die a Christian; he was confined to his humble mat by a paralysis, together with a nervous affection so severe, that one could not stir him without causing him insupportable pains. Nevertheless, he was careful to lift his hand every moment to make the sign of the cross on himself, notwithstanding the great ill which this motion caused him; and he ceased not until the last sigh, to kiss the crucifix, and to address it in such tender and devout words, that it might be said he died in the transports of a perfect love of Jesus Christ.

The sign of the cross is in such veneration among these people, (the Outagami,) that the Father believed that it was time to raise one in the midst of their village; to take possession of these infidel lands in the name of Jesus Christ, whose arms he set up, farther in advance in the land, than they had until now been planted. And since that time, scarcely any one is seen in the village, whether young or old, who does not make the sign of the cross with respect. They have even such confidence in it, that some young soldiers making a party to go to war against the Nadoüessi, a people who render themselves formidable to all their neighbours, and having addressed themselves to the Father to know how they might return victorious, he related to them the history of Constantine, and encouraged them by his example, to have recourse to the cross. They believed in it, for of their own accord they marked on their shields this adorable sign; every morning and every evening they failed not to make it on themselves, and having

joined the enemy, the first thing they, did was to make the sign of the cross, and then threw themselves into the combat with so much confidence, that they happily bore off the victory; and being on their return, they made a triumph of the cross, publishing everywhere that they were solely indebted to it for so great a success.

It is thus that our holy faith is about to be established among these people, and we confidently hope that in a little time we shall carry it as far as the famous river called Mississippi, and perhaps even as far as the South Sea; to the end that the gospel shall spread itself as distant towards the south, as we have seen that it has been carried towards the north.—Pages 127 to 152.

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It may be unnecessary to say, with regard to the above translations of the several portions quoted from the Relations of the venerable Jesuit Fathers, that more attention has been given to a literal rendering of their language into English, than to the difference of idiom between this language, and that of the French. Consequently, the translation may well appear in many parts, not only void of a proper fluency, but absolutely harsh. The excuse for this may be found in the fact, that it was considered more desirable to give the translation as nearly as possible in the simplicity of the original, than to attend to the polish of diction; which might, in even slight departures, mar, and perhaps destroy the true meaning of the Fathers, in their narrations, which never aspire to, and were certainly never intended to be considered as literary compositions. They related facts as they appeared to them; an endeavour has thus been made to give those facts in as simple a dress as they originally appeared.

W. R. S.

# BLACK HAWK WAR.

THE most prominent, if not the real and only cause of the disturbances with the Indians, known by the designation of "the Black Hawk War," arose, as some other Indian wars have arisen, in controversies in regard to lands claimed to have been ceded to the whites by the Indians, or intruded upon, and surveyed by the whites without any Indian authority. The war of 1756; the war of Pontiac; the war with Little Turtle; the great Indian league of Tecumthe, and many other minor disturbances can well be traced to a common source of quarrel, "the dwelling-places and the hunting-grounds of the Indians."

By the treaty made at Fort Harmar, in Ohio, on the 9th of January, 1789, the Pottawatamie and Sac tribe of Indians, among others, were received into friendship "by the United States," and "a league of peace and amity" established between them respectively; and on the 3d of November, 1804, a treaty was made and executed at St. Louis, between William Henry Harrison, commissioner on part of the United States, and the chiefs and head men of the united Sac and Fox tribes, of the other part: the Indians who sign the treaty are La-yow-vois —Pashepaho—Quashquame—Outchequa—and Hashequarhiqua; the right of these chiefs to make the treaty was afterward denied by Black Hawk.

By the terms of this treaty, the United States receive the united Sac and Fox tribes into their friendship and protection; and the said tribes agree to consider themselves under the protection of the United States, and of no other power whatsoever. The lands ceded to the United States were included within the following boundaries:—Beginning at a point

on the Missouri River opposite to the mouth of the Gasconade River; thence in a direct course so as to strike the river Jeffreon, at the distance of thirty miles from its mouth, and down the said Jeffreon to the Mississippi; thence up the Mississippi to the mouth of the Wisconsin River, and up the same to a point which shall be thirty-six miles in a direct line from the mouth of said river; thence by a direct line to a point where the Fox River, (a branch of the Illinois,) leaves the small lake called Sakaegan; thence down the Fox River to the Illinois River, and down the same to the Mississippi.

The consideration of the cession and relinquishment by the Indians of this tract of country was, a present delivery of goods to the value of two thousand two hundred and thirty-four dollars and fifty cents, and a yearly annuity of one thousand dollars, (six hundred of which is intended for the Sacs, and four hundred for the Foxes,) to be paid in goods valued at the first cost.

The following account of this treaty is given by Black Hawk himself, in his Life, edited by J. B. Patterson, of Rock Island, Illinois, certified by Antoine Le Claire, United States interpreter, to have been dictated by Black Hawk, and to be authentic.[1]

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[1] As we shall have occasion often to refer to Black Hawk's own account of the events in which he acted so important a part, and of which the truth of history requires that the statements of all parties concerned should be heard and examined, we subjoin the certificate of M. Le Claire as to the authenticity of the "Life of Black Hawk." The work was published both in the United States and in England. Black Hawk was born in 1767, and died at his wigwam on Des Moines River, October 3d, 1838.

"INDIAN AGENCY, ROCK ISLAND, October 16th, 1833.

"I do hereby certify, that Má-ka-tai-me-she-kia-kiak, or Black Hawk, did call upon me, on his return to his people in August last, and express a great desire to have a history of his life written and published, in order, (as he said,) "that the people of the United States, (among whom he had been travelling, and by whom he had been treated with great respect, friendship, and hospitality,) might know the causes that impelled him to act as he has done, and the *principles* by which he was governed.' In accordance with his request, I acted as interpreter; and was particularly cautious to under-

"Some moons after this young chief (Lieutenant Zebulon Pike) descended the Mississippi, one of our people killed an American, and was confined in the prison of St. Louis for the offence. We held a council at our village to see what could be done for him,—which determined that Quàsh-quà-me, Pà-she-pa-ho, Où-che-quà-ka, and Hà-she-quar-hi-qua should go down to St. Louis, see our American Father, and do all they could to have our friend released, by paying for the person killed—thus covering the blood and satisfying the relations of the man murdered! This being the only means with us of saving a person who has killed another, and we *then* thought it was the same way with the whites.

"The party started with the good wishes of the whole nation, hoping they would accomplish the object of their mission. The relatives of the prisoner blacked their faces, and fasted, hoping the Great Spirit would take pity on them, and return the husband and father to his wife and children.

"Quàsh-quà-me and party remained a long time absent. They at length returned and encamped a short distance below the village, but did not come up that day, nor did any person approach their camp! They appeared to be dressed in fine coats, and had medals. From these circumstances, we were in hopes that they had brought good news. Early the next morning the council lodge was crowded. Quàsh-quà-me and party came up, and gave us the following account of their mission:—

"On their arrival at St. Louis, they met their American Father, and explained to him their business, and urged the release of their friend. The American chief told them he wanted land—and they had agreed to give him some on the west side of the Mississippi, and some on the Illinois side, op-

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stand distinctly the narrative of Black Hawk throughout—and have examined the work carefully since its completion, and have no hesitation in pronouncing it strictly correct in all its particulars. Given under my hand at the Sac and Fox agency, the day and date above written.

"Antoine Le Claire,

"U. S. Interpreter for the Sacs and Foxes."

posite the Jeffreon. When the business was all arranged, they expected to have their friend released to come home with them. But about the time they were ready to start, their friend was let out of prison, who ran a short distance, and was *shot dead.* This is all they could recollect of what was said and done. They had been drunk the greater part of the time they were in St. Louis.

"This is all myself or nation knew of the treaty of 1804. It has been explained to me since. I find by that treaty, all our country east of the Mississippi and south of the Jeffreon, was ceded to the United States for one thousand dollars a year! I will leave it to the people of the United States to say, whether our nation was properly represented in this treaty? or whether we received a fair compensation for the extent of country ceded by those *four* individuals? I could say much about this treaty, but I will not at this time. It has been the cause of all our difficulties."

Black Hawk proceeds to relate that some time after this treaty was made, a war chief with a party of soldiers came up the Mississippi in keel-boats, and encamped a short distance above the head of the Des Moines Rapids, and commenced cutting timber and building houses; this was at the site of Fort Madison, and within the country ceded by the treaty. He also says, that council after council was held in the Indian villages, to ascertain what was the intention of the Americans in building at that place, and having learned that the soldiers had great guns with them, he and a number of his people went down the river to see what was doing, and they found the whites were building a fort. The chiefs held a council with the officers of the party, which Black Hawk did not attend; but he says, "he understood that the American war chief had said, they were building houses for a *trader* who was coming there to live, and would sell the Indians goods very cheap, and that the soldiers were to remain to keep him company." The Indians were pleased at this information, but doubted its truth, and were anxious that the building should be discontinued, and that the soldiers should descend the river again.

Many more Indians arrived, the whites became alarmed, and an attempt was made by a *dancing* party of the Indians to enter the fort by stratagem, but it was frustrated; and Black Hawk acknowledges that if it had been successful, and the Indians had got into the fort, all the whites would have been killed, as the British soldiers had been, at Mackinaw, many years before.

The Indians returned to Rock Island, and the fort party received a reinforcement from St. Louis.

Black Hawk proceeds with the following relation:—"Soon after our return from Fort Madison, runners came to our village from the Shawnee Prophet, (while others were despatched by him to the villages of the Winnebagoes,) with invitations for us to meet him on the Wabash. Accordingly a party went from each village.

"All of our party returned, among whom came a *Prophet* who explained to us the bad treatment the different nations of Indians had received from the Americans, by giving them a few presents, and taking their land from them. I remember well his saying, 'If you do not join your friends on the Wabash, the Americans will take this very village from you.' I little thought then, that his words would come true. We agreed not to join him, and he returned to the Wabash, where a party of Winnebagoes had arrived, and preparations were making for war; a battle soon after ensued, in which several Winnebagoes were killed. As soon as their nation heard of this, they started war parties in different directions: one to the mining country, one to Prairie du Chien, and another to Fort Madison. This last returned by our village, and exhibited several scalps which they had taken. Their success induced several other parties to go against the fort. We arrived in the vicinity during the night. The spies that we had sent out several days before, to watch the movements of those at the garrison, gave the following information: 'that a keel-boat had arrived from below, that evening, with seventeen men; that there were about fifty men in the fort, and that they marched out every morning at sunrise, to exercise.'"

Black Hawk then relates his stratagems to destroy the soldiers when they came out, and for the Indians to rush into the fort: they were unsuccessful: three whites were killed—the Indians besieged the fort for three days, during which time, an attempt was made to set fire to it, by means of arrows. It succeeded so far as to fire the buildings several times, without effect, as the fire was soon extinguished. The ammunition of the Indians being expended, and finding they could not take the fort, they returned home, having had one Winnebago killed, and one wounded, during the siege.

Soon after their return, news reached them that a war was going to take place between the British and Americans. Runners continued to arrive from different tribes, all confirming the report of the expected war. The British agent, Colonel Dickson, was holding talks with, and making presents to the different tribes. Black Hawk says—"I had not made up my mind whether to join the British, or remain neutral." But he soon afterward took an active part with the British, having been, as he alleges, "forced into war by being deceived." His own account of the causes of his conduct is as follows:—

"Several of the chiefs and head men of the Sacs and Foxes were called upon to go to Washington, to see their Great Father. On their return they related what had been said and done. They said the Great Father wished them, in the event of a war taking place with England, not to interfere on either side, but to remain neutral. He did not want our help, but wished us to hunt and support our families and live in peace. He said that British traders would not be permitted to come on the Mississippi to furnish us with goods, but we should be well supplied by an American trader. Our chiefs then told him that the British traders always gave us credits in the fall for guns, powder, and goods, to enable us to hunt and clothe our families. He replied, that the trader at Fort Madison[1] would have plenty of goods; that we should go there in the fall, and he would supply us on credit, as the British traders

[1] On the Mississippi, in the Sac and Fox country.

had done. The party gave a good account of what they had seen, and the kind treatment they received.

"This information pleased us all very much. We all agreed to follow our Great Father's advice, and not interfere with the war. Our women were much pleased at this good news. Every thing went on cheerfully in our village. We resumed our pastimes of playing ball, horse-racing, and dancing, which had been laid aside when this great war was first talked about.

"We had fine crops of corn which were now ripe, and our women were engaged in gathering it, and making *cachès* to contain it. In a short time we were ready to start to Fort Madison to get our supply of goods, that we might proceed to our hunting grounds. We passed merrily down the river, all in high spirits. I had determined to spend the winter at my old favourite hunting ground on Skunk River, and left part of my corn and mats at its mouth, to take up when I returned; others did the same. Next morning we arrived at the fort and made our encampment. Myself and principal men paid a visit to the war-chief, at the fort. He received us kindly and gave us some tobacco, pipes, and provision. The trader came in, and we all rose and shook hands with him, for on him all our dependence was placed, to enable us to hunt and thereby support our families. We waited a long time, expecting the trader would tell us that he had orders from our Great Father to supply us with goods; but he said nothing on the subject. I got up, and told him in a short speech, what we had come for, and hoped he had plenty of goods to supply us; and told him he should be well paid in the spring; and concluded by informing him, that we had determined to follow our Great Father's advice, and not go to war.

"He said he was happy to hear that we intended to remain at peace. That he had a large quantity of goods; and that if we made a good hunt, we should be well supplied; but remarked that he had received no instructions to furnish us any thing on credit—nor could he give us any, without receiving the pay for them on the spot.

"We informed him what our Great Father had told our chiefs

at Washington, and contended that he could supply us if he would, believing that our Great Father always spoke the truth. But the war-chief said, that the trader could not furnish us on credit, and that he had received no instructions from our Great Father at Washington. We left the fort dissatisfied, and went to our camp. What was now to be done we knew not. We questioned the party that brought us the news from our Great Father, that we should get credit for our winter's supplies at this place. They still told the same story, and insisted upon its truth. Few of us slept that night; all was gloom and discontent.

"In the morning a canoe was seen ascending the river. It soon arrived, bearing an express, who brought intelligence that La Gutrie,[1] a British trader, had landed at Rock Island with two boats loaded with goods, and requested us to come up immediately, because he had good news for us, and a variety of presents. The express presented us with tobacco, pipes, and wampum.

"The news ran through our camp like fire in the prairie. Our lodges were soon taken down, and all started for Rock Island. Here ended all hopes of our remaining at peace, having been forced into war by being deceived.

"Our party were not long in getting to Rock Island. When we came in sight and saw tents pitched, we yelled, fired our guns, and commenced beating our drums. Guns were immediately fired at the Island, returning our salute, and a British flag hoisted. We landed and were cordially received by La Gutrie, and then smoked the pipe with him. After which he made a speech to us, that had been sent by Colonel Dickson, and gave us a number of handsome presents, a large silk flag, and a keg of rum, and told us to retire, take some refreshments and rest ourselves, as he would have more to say to us on the next day.

"We according retired to our lodges, which had been put up

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[1] La Gutrie, or La Goterie, was an Indian trader at Portage des Sioux—a Canadian Frenchman, probably of mixed blood.

in the mean time, and spent the night. The next morning we called upon him, and told him that we wanted his two boats load of goods to divide among our people, for which he should be well paid in the spring, with furs and peltries. He consented, told us to take them and do as we pleased with them. While our people were dividing the goods, he took me aside and informed me that Colonel Dickson was at Green Bay with twelve boats, loaded with goods, guns, and ammunition, and wished me to raise a party immediately and go to him. He said that our friend, the trader at Peoria, was collecting the Pottawatamies, and would be there before us. I communicated this information to my braves, and a party of two hundred warriors were soon collected and ready to depart. On our arrival at Green Bay we found a large encampment, and were well received by Colonel Dickson and the war-chiefs that were with him. He gave us plenty of provisions, tobacco, and pipes, and said he would hold a council with us the next day.

"In the encampment I found a large number of Pottawatamies, Kickapoos, Ottawas, and Winnebagoes. I visited all their camps and found them in high spirits. They had all received new guns, ammunition, and a variety of clothing. In the evening a messenger came to me, to visit Colonel Dickson. I went to his tent, in which there were two other war-chiefs, and an interpreter. He received me with a hearty shake of the hand, and presented me to the other chiefs, who shook my hand cordially and seemed much pleased to see me. After I was seated, Colonel Dickson said, 'General Black Hawk, I sent for you to explain to you what we are going to do, and the reasons that have brought us here. Our friend La Gutrie informs us in the letter you brought from him, what has lately taken place. You will now have to hold us fast by the hand. Your English Father has found out that the Americans want to take your country from you, and has sent me and his braves to drive them back to their own country. He has likewise sent a large quantity of arms and ammunition, and we want all your warriors to join us.'

"He then placed a medal round my neck, and gave me a

paper,[1] (which I lost in the late war,[2]) and a silk flag, saying, 'You are to command all the braves that will leave here the day after to-morrow, to join our braves near Detroit." I told him I was very much disappointed, as I wanted to descend the Mississippi, and make war upon the settlements. He said he had been ordered to lay the country waste around St. Louis; that he had been a trader on the Mississippi many years; had always been kindly treated, and could not consent to send brave men to murder women and children. That there were no soldiers there to fight; but where he was going to send us, there were a number of soldiers, and if we defeated them, the Mississippi country should be ours. I was pleased with this speech; it was spoken by a brave.

"The next day, arms and ammunition, tomahawks, knives, and clothing, were given to my band. We had a great feast in the evening, and the morning following, I started with about five hundred braves to join the British army. The British war-chief accompanied us. We passed Chicago. The fort had been evacuated by the American soldiers, who had marched for Fort Wayne. They were attacked a short distance from that fort and *defeated*.[3] They had a considerable quantity of powder in the fort at Chicago, which they had promised to the Indians; but the night before they marched they destroyed it. I think it was thrown into the well. If they had fulfilled their word to the Indians, I think they would have gone safe.

"On our arrival I found that the Indians had several prisoners. I advised them to treat them well. We continued our march and joined the British army below Detroit, and soon after had a fight. The Americans fought well, and drove us with considerable loss. I was surprised at this, as I had been told[4] that the Americans could not fight.

"Our next movement was against a fortified place. I was stationed with my braves to prevent any person going to or

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[1] This paper was found at the battle of Bad Axe—it was a certificate of his good behaviour, and attachment to the British.

[2] In 1832. [3] Slaughtered, being defenceless. [4] By the British.

coming from the fort. I found two men taking care of cattle, and took them prisoners. I would not kill them, but delivered them to the British war-chief. Soon after, several boats came down the river full of American soldiers. They landed on the opposite side, took the British batteries, and pursued the soldiers that had left them. They went too far without knowing the forces of the British, and were defeated. I hurried across the river, anxious for an opportunity to shew the courage of my braves; but before we reached the ground, all was over. The British had taken many prisoners, and the Indians were killing them. I immediately put a stop to it, as I never thought it brave, but cowardly, to kill an unarmed and helpless enemy.[1]

"We remained here some time. I cannot detail what took place, as I was stationed with my braves in the woods. It appeared, however, that the British could not take this fort,[2] for we were marched to another, some distance off. When we approached it, I found it a small stockade,[3] and concluded that there were not many men in it. The British war-chief sent a flag; Colonel Dickson[4] carried it and returned. He said a young war-chief[5] commanded, and would not give up without fighting. Dickson came to me and said, "You will see tomorrow how easily we will take that fort." I was of opinion that they would take it; but when the morning came I was disappointed. The British advanced, commenced an attack, and fought like braves; but by braves in the fort were defeated, and a great number killed. The British army were making preparations to retreat. I was now tired of being with them, our success being bad, and having got no plunder. I determined on leaving them and returning to Rock Island, to see what had become of my wife and children, as I had not heard from them since I started. That night I took about twenty of my braves

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[1] General Proctor commanded the British—his brutal conduct is well known in history.

[2] Fort Meigs.

[3] Fort Stephenson.

[4] He is mistaken in the name—Chambers and Mason carried the flag.

[5] Lieutenant Croghan.

and left the British camp for home. We met no person on our journey until we reached the Illinois River."

In pursuing the narrative of Black Hawk, we find that he arrived at the Sac village on Rock River, where he was received by the chiefs and braves, and feasted; he was informed that after he had gone to war, the nation, which had been reduced to so small a party of fighting-men, by the absence of the braves with Black Hawk, found themselves unable to defend themselves, if the Americans should attack them; that all the women, and children, and old men belonging to the warriors who had joined the British, were left with them to provide for; and that a council was held, which agreed that Quash-qua-me, the Lance, and other chiefs, with the old men, women, and children, and such others as chose to accompany them, should descend the Mississippi and go to St. Louis, and place themselves under the protection of the American chief stationed there. They accordingly went down to St. Louis, and were received as the friendly band of the Sac and Fox nation, sent up the Missouri, and provided for, while their friends were assisting the British. Ke-o-kuk[1] was then introduced to him as the war-chief of the braves then in the village; he inquired how he had become a chief; he was informed that their spies had seen a large armed force going toward Peoria, and that fears were entertained of an attack on their village. Whereupon a council was held, which concluded, as the best course to be adopted, to leave the village and cross to the west side of the Mississippi, to get out of the way. Ke-o-kuk had been standing at the door of the lodge where the council was held, (not being allowed to enter, never having killed an enemy,) where he remained until old Wa-co-me came out. Ke-o-kuk asked for permission to speak in the council, which Wa-co-me obtained for him. Ke-o-kuk then addressed the chiefs, remonstrated against the desertion of their village, their own homes, and the graves of their fathers, and offered to defend the village. The council consented

[1] Watchful Fox.

that he should be a war-chief. He marshalled his braves, sent out spies, and advanced on the trail leading to Peoria, but returned without seeing an enemy; the Americans did not disturb the village, and all were satisfied with the appointment of Ke-o-kuk.

Black Hawk then started to visit his family, and found them well, but he says he could not rest with them in comfort until he had revenged the death of an adopted child, the son of one of his old friends, who had been killed and scalped by white men, during the time of his absence. He therefore collected a party of thirty braves, and descended the Mississippi in canoes, until they arrived near the place where Fort Madison had stood. It had been abandoned by the whites and burnt, nothing remained but the chimneys. He proceeded down the river, and landed with one brave at Cap au Gris—the remainder of the party went to the mouth of the Quiver. Black Hawk and his companion pursued a trail which led from the mouth of the river to a fort, and on their way met with two men, one of whom, Black Hawk suffered to escape, because he had been at Quash-qua-me's village to teach the Indians to plough—the other man was killed and scalped by Black Hawk's companion. Black Hawk saw two little boys endeavouring to conceal themselves in the bushes, but he passed by without noticing them; as he says, he thought of his own children. After joining the remainder of his party, they had a sharp conflict with a party of mounted men, the leader of which was killed by Black Hawk; the Indians, eighteen in number, were driven into a deep sink-hole, at the bottom of which were some bushes. In this trap, he says, they awaited the approach of the enemy, who fired and killed one of his men; the Indians also fired and killed one of the whites. Black Hawk acknowledges the situation of his party to have been dangerous; they dug holes in the bank to protect themselves, and some of his warriors commenced singing their death songs; but after more firing without injury, the whites returned to their fort. The Indians all got out safe from the sink-hole, and found one white man dead, whom they

scalped, and placed their own dead man upon him; "we could not," says Black Hawk, "have left him in a better situation than on an enemy."

This war party returned by land, having effected the purpose of revenge, and thinking it unsafe to return by their canoes. Black Hawk found his wife and children, and a great part of his people, at the mouth of the Ioway River, where he determined, as he says, "to remain with my family and hunt for them, and humble myself before the Great Spirit, and return thanks to him for preserving me through the war."

A party of Pottawatamies soon afterward paid a visit to Black Hawk, and advised him to make peace with the Americans, as their people had lately done; but he would not promise this, but told them he would not send out war parties against the settlements. However, he says, that "a short time after the Pottawatamies left, a party of thirty braves belonging to our nation, from the *peace camp* on the Missouri, paid us a visit. They exhibited *five scalps*, which they had taken on the Missouri, and wished us to dance over them, which *we willingly joined in*. They related the manner in which they had taken these scalps. Myself and braves then showed the two we had taken near the Quiver, and told them the reason that induced that war party to go out, as well as the manner and difficulty we had in obtaining these scalps.

"They recounted to us all that had taken place—the number that had been killed by the *peace party*, as they were called and recognised, which far surpassed what our warriors who had joined the British had done! This party came for the purpose of joining the British. I advised them to return to the *peace party*, and told them the news that the Pottowatamies had brought. They returned to the Missouri, accompanied by some of my braves, whose families were with the peace party."

After paying a visit to the Fox village at the lead-mines, and to the Pottowatamies on the Illinois River, Black Hawk returned to Rock River, where, he says, "he was informed that a party of soldiers had gone up the Mississippi to build a fort at

Prairie du Chien. They had stopped near our village, and appeared to be friendly, and were kindly treated by our people."

"Some time afterward, five or six boats arrived, loaded with soldiers going to Prairie du Chien to reinforce the garrison. They appeared friendly, and were well received. We held a council with the war-chief.[1] We had no intention of hurting him or any other of his party, or we could easily have defeated them. They remained with us all day, and used, and gave us, plenty of whiskey. During the night a party arrived (who came down Rock River) and brought us six kegs of powder. They told us that the British had gone to Prairie du Chien and taken the fort, and wished us to join them again in the war, *which we agreed to.* I collected my warriors and determined to pursue the boats, which had sailed with a fair wind. I immediately started with my party by land, in pursuit, thinking that some of their boats might get aground, or that the Great Spirit would put them in our power, if he wished them taken, and their people killed. About halfway up the rapids, I had a full view of the boats, all sailing with a strong wind. I soon discovered that one boat was badly managed, and was suffered to be driven ashore by the wind. They landed, by running hard aground, and lowered their sail. The others passed on. This boat, the Great Spirit gave us. We approached it cautiously, and fired upon the men on shore. All that could, hurried aboard, but they were unable to push off, being fast aground. We advanced to the river's bank under cover, and commenced firing on the boat. Our balls passed through the plank, and did execution, as I could hear them screaming in the boat. I encouraged my braves to continue firing. Several guns were fired from the boat without effect. I prepared my bow and arrows to throw fire to the sail, which was lying on the boat, and, after two or three attempts, succeeded in setting the sail on fire.

"The boat was soon in flames. About this time one of the boats that had passed, returned, dropt anchor, and swung in

[1] Major Campbell.

close to the boat on fire, and took off all the people except those killed and badly wounded. We could distinctly see them passing from one boat to the other, and fired on them with good aim; we wounded the war chief[1] in this way. Another boat now came down, dropped her anchor, which did not take hold, and was drifted ashore. The other boat cut her cable and rowed down the river. We then commenced an attack on this boat, and fired several rounds. They did not return our fire until we made a rush on the boat, when they fired and killed two of our people, being all that we lost in the engagement. Some of their men jumped out and pushed off the boat, and thus got away without losing a man.

"We now put out the fire on the captured boat to save the cargo. In searching for plunder, found several guns, large barrels full of clothing, and some cloth lodges,[2] all of which I distributed among my warriors. We now disposed of the dead and returned to the Fox village opposite the lower end of Rock Island, where we put up our *new* lodges, and hoisted the British flag. A great number of our braves were dressed in the uniform clothing which we had taken, which gave our encampment the appearance of a regular camp of soldiers. We placed out sentinels, and commenced dancing over the scalps we had taken. Soon after, several boats passed down; among them a large boat carrying big guns. Our young men followed them some distance, firing at them, but could not do much damage. We were now certain that the fort at Prairie du Chien had been taken, as this large boat went up with the first party who built the fort.

"In the course of the day some of the British came down in a small boat; they had followed the large one, thinking she would get fast in the rapids, in which case they were certain of taking her. They had summoned her on the way down to surrender, but she refused, and now that she had passed over the rapids in safety, all hope of taking her had vanished.

"The British landed a *big gun*, and gave us three soldiers

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[1] Major Campbell.

[2] Tents.

to manage it. They complimented us for our bravery in taking the boat, and told us what they had done at Prairie du Chien; gave us a keg of rum, and joined with us in our dancing and feasting. We gave them some things which we had taken from the boat, particularly books and papers. They started the next morning, after promising to return in a few days with a large body of soldiers.

"We went to work under the directions of the men left with us, and dug up the ground in two places to put the big gun in, that the men might remain with it and be safe. We then sent spies down the river to reconnoitre, who sent word by a runner that several boats were coming up filled with men.[1] I marshalled my forces, and was soon ready for their arrival, and resolved to fight. The boats arrived in the evening, and stopped at a small willow island nearly opposite to us. During the night we removed our big gun farther down, and at daylight next morning commenced firing. We were pleased to see that almost every fire took effect, striking the boats nearly every shot. They pushed off—started down the river—a party of braves followed to watch where they landed; but they did not stop until they got below the Des Moines Rapids, when they landed and commenced building a fort."

Black Hawk collected a few braves, as he says, and started to the place where they were making a fort; he concluded that if this fort was established, his people would be prevented from going to their best hunting grounds. His war party reached the place where the whites were at work, and concealed themselves among the bushes, for the night. The next morning they saw two of the American war-chiefs walking arm-in-arm, without guns, but they were too far distant for a rifle-shot to kill them, and they went back into the fort safely; but such was not the case with an unfortunate sentinel, who was approached by one of the Indians, cautiously creeping through the grass, and shot. The people in the fort having thus become alarmed, Black Hawk says that he and the rest

[1] Commanded by Major Z. Taylor.

of his party hurried back to Rock River, and arrived safely at their village. The following spring he learned that the Americans had abandoned and burned the fort below the rapids.

Peace having been now made between the British and Americans, he says—"We were required to make peace also, and were invited to go down to Portage des Sioux for that purpose. Some advised that we should go down, others that we should not. No-mite, our principal civil chief, said he would go, as soon as the Foxes came down from the mines. They came, and we all started from Rock River."

On their journey, the chief was taken sick, and the Sacs stopped at the village on Henderson River; the Foxes went on, and the Sacs were to follow as soon as their chief got better: but he died, and his brother, who became the principal chief, refused to go down, for fear that he should be taken sick and die, as his brother had done. "This," says Black Hawk, "was reasonable, and we all concluded that none of us would go at this time."

"The Foxes returned. They said, they had smoked the pipe of peace[1] with the Americans, and expected that a war party would be sent against us because we did not go down. This I did not believe, as the Americans had always lost by their war parties that came against us.

"La Gutrie and other British traders arrived at our village on Rock River, in the fall. La Gutrie told us that we must go down and make peace—that it was the wish of our English father. He said he wished us to go down to the Two River country to winter, where game was plenty, as there had been no hunting there for several years.

"Having heard that a principal war-chief, with troops, had come up and commenced building a fort near Rapides des Moines, we consented to go down with the traders, to see the American chief, and tell him the reason why we had not

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[1] This treaty is dated at Portage des Sioux, September 14, 1815. A treaty with the Sacs of Missouri River was made at the same place, September 13, 1815. Vide infra.

been down sooner. We arrived at the head of the Rapids, visited the war-chief, who was on board of a boat, and explained the reason why we had not been down sooner. He appeared angry, and talked to La Gutrie for some time. I inquired of him what the war-chief had said. He told me that he was threatening to hang him up on the yard-arm of his boat. 'But,' said he, 'I am not afraid of what he says. He dare not put his threats into execution. I have done no more than I had a right to do as a British subject.' "[1]

Black Hawk obtained permission for his band, and some Menominees, to go down to the Two River country to hunt—they spent the winter there, made a good hunt, and returned to their village.

"In the spring," says Black Hawk, "the great chief at St. Louis, having sent word for us to go down and confirm the treaty of peace, we did not hesitate, but started immediately, that we might smoke the peace pipe with him. We met the great chiefs in council, and the pipe of peace was smoked. Here for the first time I touched the goose-quill, to the treaty,[2] not knowing, however, that by that act I consented to give away my village. Had that been explained to me, I should have opposed it, and never would have signed their treaty, *as my recent conduct will clearly prove.*

"We were friendly treated by the white chiefs, and started back to our village on Rock River: here we found that troops had arrived to build a fort at Rock Island. We did not object to their building the fort, but were very sorry, as this was the best island on the Mississippi, and had long been the resort of our young people during the summer. It was our garden (like the white people have near to their big villages) which supplied us with strawberries, blackberries, gooseberries, plums, apples, and nuts of different kinds; and its waters supplied us with fine fish, being situated in the rapids of the river.

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[1] The British traders were constantly exciting the Indians against the Americans, and always with impunity.

[2] This treaty is dated at St. Louis, May 13th, 1816. Vide infra.

In my early life I spent many happy days on this island. A good spirit had care of it, who lived in a cave in the rocks, immediately under the place where the fort now stands, and has often been seen by our people. He was white, with large wings like a swan, but ten times larger. We were particular not to make much noise in that part of the island which he inhabited, for fear of disturbing him. But the noise of the fort has since driven him away, and no doubt a *bad spirit* has taken his place.

"Our village was situated on the north side of Rock River, at the foot of its rapids, and on the point of land between Rock River and the Mississippi. In its front, a prairie extended to the bank of the Mississippi; and in our rear, a continued bluff, gently ascending from the prairie. On the side of this bluff, we had our cornfields, extending about two miles up, running parallel with the Mississippi, where we joined those of the Foxes, whose village was on the bank of the Mississippi opposite the lower end of Rock Island, and three miles distant from ours. We had about eight hundred acres in cultivation, including what we had on the islands of Rock River. The land around our village uncultivated, was covered with blue grass, which made excellent pasture for our horses. Several fine springs broke out of the bluff near by, from which we were supplied with good water. The rapids of Rock River furnished us with an abundance of excellent fish, and the land, being good, never failed to produce good crops of corn, beans, pumpkins, and squashes. We always had plenty—our children never cried with hunger, nor our people were ever in want. Here our village had stood for more than a hundred years, during all which time we were the undisputed possessors of the valley of the Mississippi, from the Ouisconsin to the Portage des Sioux, near the mouth of the Missouri.

"At this time we had very little intercourse with the whites, except our traders. Our village was healthy, and there was no place in the country possessing such advantages, nor no hunting grounds better than those we had in possession. If another prophet had come to our village in those days, and told us what has since taken place, none of our people would

have believed him. What! to be driven from our village and hunting grounds, and not even permitted to visit the graves of our forefathers, our relations, and friends? This hardship is not known to the whites. With us it is a custom to visit the graves of our friends, and keep them in repair for many years. The mother might go alone to weep over the grave of her child. The brave with pleasure visits the grave of his father, after he has been successful in war, and repaints the post that shows where he lies. There is no place like that where the bones of our forefathers lie, to go to when in grief: here the Great Spirit will take pity on us.

"But how different is our situation now, from what it was in those days! Then we were as happy as the buffalo on the plains—but now we are as miserable as the hungry, howling wolf in the prairie! Bitter reflection crowds upon my mind and must find utterance."

Black Hawk remained quiet in his village for some years, during which time he paid several visits to Fort Armstrong, and was always well treated; but he says—"As the settlement progressed towards us, we became worse off, and more unhappy; many of our people, instead of going to their old hunting grounds where game was plenty, would go near to the settlements to hunt—and instead of saving their skins to pay the trader for goods furnished them in the fall, would sell them to the settlers for whiskey, and return in the spring with their families almost naked, and without the means of getting any thing for them."

During this time also, his nation had difficulties with the Sioux and the Ioways; and at one time Black Hawk paid a visit to Fort Malden, with several of his band, and were well treated, to use his words, "by the agent of our British father, who gave us a variety of presents; he also gave me a medal, and told me there never would be a war between England and America again; but for my fidelity to the British during the war that had terminated some time before, requested me to come with my band every year and get presents as Colonel Dickson had promised me."

After this, Black Hawk, when hunting one day on Two Rivers, was met by three white men, who accused him of killing their hogs; in vain he denied it; they took his gun from him, fired it off, took out the flint, gave the gun back to him, and then beat him with sticks and ordered him off. He says—"I was so much bruised that I could not sleep for several nights." He complains of many instances of unjust and bad treatment of his people on part of the whites, and says, "we determined to break up our camp for fear they should do worse."

When the agent came to live at Rock Island, Black Hawk visited him and the trader very often during the summer, and "for the first time heard talk of our having to leave my village. The trader explained to me the terms of the treaty that had been made, and said we should be obliged to leave the Illinois side of the Mississippi, and advised us to select a good place for our village and remove to it in the spring. He pointed out the difficulties we should have to encounter if we remained at our village on Rock River; he had great influence with the principal Fox chief, (his adopted brother,) and persuaded him to leave his village and go to the west side of the Mississippi River and build another, which he did the spring following.

"Nothing was now talked of but our leaving our village; Keokuk had been persuaded to consent to go, and was using all his influence, backed by the war-chief at Fort Armstrong, and our agent and trader at Rock Island, to induce others to go with him. The party opposed to removing called upon me for my opinion. I gave it freely, and after questioning Quásh-quá-me about the sale of the lands, he assured me that 'he never had consented to the sale of our village.' I now promised this party to be their leader, and raised the standard of opposition to Keokuk, with a full determination not to leave my village. I had an interview with Keokuk, to see if this difficulty could not be settled with our Great Father—and told him to propose to give other land, (any that our Great Father might choose, even our *lead-mines*,) to be peaceably permitted to keep the small point of land on which

our village and fields were situate. Keokuk promised to make an exchange, if possible, and applied to our agent, and the great chief at St. Louis, (who has charge of all the agents,) for permission to go to Washington to see our Great Father for that purpose."

"This satisfied us for some time; we started to our hunting-grounds, in good hopes that something would be done for us; during the winter I received information that three families of whites had arrived at our village, and destroyed some of our lodges, and were making fences and dividing our cornfields for their own use, and *were quarelling among themselves about their lines in the division.* I immediately started for Rock River, a distance of ten days' travel, and on my arrival found the report to be true. I went to my lodge, and found a family occupying it. I wished to talk with them, but they could not understand me. I then went to Rock Island, and (the agent being absent) told the interpreter what I wanted to say to those people, viz., 'Not to settle on our lands, nor trouble our lodges or fences—that there was plenty of land in the country for them to settle upon—and they must leave our village, as we were coming back to it in the spring.'"

Black Hawk received a paper from the interpreter, which he showed to the intruders, but could not understand their reply; he expected, however, that they would remove, as he had requested them. He returned to Rock Island; the trader advised him to give up, and make his village with Keokuk on the Ioway River, but he refused. He then went to see the Winnebago sub-agent, and converse with him on the subject of his difficulties—he received no better news than from the trader; he then went, by way of Rock River, to the Prophet, and explained all matters to him. He advised Black Hawk never to give up his village, that the whites might plough up the bones of his people; and also urged him to get Keokuk to return from the west side of the Mississippi. Black Hawk returned to his hunting-ground after an absence of one moon, and related what he had done; in a short time, he and some

of his band came to their village, and found the whites had not left it, but that others had come, and that the greater part of their corn-fields had been enclosed. The whites appeared displeased, he says, "because we had come back. We repaired the lodges that had been left standing, and built others; Keokuk came to the village, but his object was to persuade others to follow him to the Ioway. He had accomplished nothing toward making arrangements for us to remain, or to exchange other lands for our village. There was no more friendship existing between us. I looked upon him as a coward and no brave, to abandon his village to be occupied by strangers. What right had these people to our village and our fields, which the Great Spirit had given us to live upon?"

In consequence of the improvements which the settlers were daily making, Black Hawk's people found difficulty in obtaining sufficient ground to plant their corn in; their women were unaccustomed to climbing fences, and were ill treated if they left a rail down. If a white man wanted the corn-field of an Indian, he would plough up the newly planted ground, destroy the Indian's hope of feeding his family, and replant the ground, and take possession of it himself; whiskey was introduced into the village, the Indians were made drunk, and cheated out of their horses, guns, and traps—the Indians were cruelly treated by the whites; a woman was beaten for pulling a few suckers of corn out of a white man's field, to suck when hungry; and one of the young men was beat with clubs by two white men, for opening a fence which crossed the Indian road, to take his horse through—his shoulder-blade was broken, his body bruised so badly that he soon after died.

In the midst of these disasters and distressing times to the Indians, Black Hawk says, not one of the white people was hurt or molested by any of his band. They made their situation known to the great chief at St. Louis, through their agent, and at the same time the whites were complaining that the Indians were intruding on their *rights;* "they made themselves out," says Black Hawk, "to be the injured party,

and we the *intruders*, and called loudly to the great war-chief to protect *their* property."

In the fall of the year, before starting to their hunting-grounds, the agent informed Black Hawk that the land on which his village stood was ordered to be sold to individuals; and that if they returned in the spring, they should be forced to remove. He was also informed during the winter, that part of the land where the village stood, had been sold to individuals, and that the trader at Rock Island had bought the greater part of what had been sold. After holding several councils among themselves during the winter, Black Hawk's people determined to return to their village in the spring, and if they were removed by force, the trader, the agent, the interpreter, the great chief at St. Louis, the war-chief at Fort Armstrong Rock Island, and Keokuk were to be killed; Ne-a-pope promised to perform this wholesale murder, as these were the principal persons whom they blamed for endeavouring to remove them; the trader stood foremost on the list; "he had purchased," says Black Hawk, "the land on which my lodge stood, and that of our *grave-yard* also."

Owing to the difficulty of breaking new ground with their hoes, the corn crops were small, and for the first time, Black Hawk says, "our people were in want of provision." He hoped to obtain permission to go to Washington to settle all affairs with their Great Father; the agent told him that he *must* remove to the west of the Mississippi, and Black Hawk replied that he *would not;* he claimed the right to "live and hunt" on the land that *had not been sold*, and still remained the property of the government. Black Hawk went to Malden to see the chief of his British Father on the subject; he next called on the great chief at Detroit, and told the tale of his grievances; by both he was told, that "if we had not sold our lands, and would remain peaceably on them, we should not be disturbed." "This," he says, "assured me that I was right, and determined me to hold out."

"At this time," says Black Hawk, "we were a divided people, forming two parties; Keokuk being at the head of

one, willing to barter our rights merely for the good of the whites, and cowardly enough to desert our village to them. I was at the head of the other party, and was determined to hold on to my village, although I had been ordered to leave it; but I considered, as myself and band had no agency in selling the country—and that, as provision had been made in the treaty for us all to remain on it as long as it belonged to the United States, that we could not be forced away."

On returning to his village, Black Hawk was ordered by the agent to quit the village, and was told that if he did not, troops would be sent to drive him off. The interpreter and trader reasoned with him, represented the distress he was bringing on the women and children, and inquired if some honourable and satisfactory terms could not be made with him and his braves, to induce them to remove to the west side of the Mississippi? Black Hawk replied that if "his Great Father would make the proposition and do them justice, he could give up honourably." He was asked, "if the great chief at St. Louis would give them six thousand dollars to purchase provisions and other articles, he would give up peaceably and remove to the west side of the Mississippi?" Black Hawk, after thinking some time, agreed to the proposition of giving up by being paid for it, according to Indian customs, but said that it would be dishonourable in him to make the proposal himself, even if he wished it. The trader said he would send word to the great chief at St. Louis, that he could remove them peaceably to the west side of the Mississippi for the amount stated; and afterward told Black Hawk that he had requested a war-chief, who was stationed at Galena, and had gone on a steamboat to St. Louis, to make the offer to the great chief at St. Louis, and that he would soon be back with an answer. In a few days the war-chief returned, and brought for answer, that the great chief at St. Louis "would give them nothing, and if they did not remove immediately, they should be *drove off*."

Black Hawk says, he now resolved to remain in his village and make no resistance if the military came, but submit to

his fate; if a friendly offer had been made, as he expected, he would, for the sake of his women and children, have removed peaceably. He directed his band, in case the military came, not to raise an arm against them. In a short time, General Gaines arrived with a detachment of the army, and convened a council at the agency. Keokuk and Wapello were sent for, and came; at this council the Indians were told that their Great Father, the President, was very sorry to be put to the trouble and expense of sending a body of soldiers to remove them from lands which they had long since ceded to the United States; and they were advised to consult their own interests and remove to the west side of the Mississippi. Black Hawk replied, that "*We* had never sold *our* country; *we* never received any annuities from our American Father. And *we* are determined to hold on to our village." General Gaines, in an angry manner, rose and inquired, "Who is Black Hawk?" Black Hawk answered, "I am a Sac! my forefather was a Sac! and all the nations call me a Sac!" General Gaines said, "I came here neither to beg nor to hire you to leave your village; my business is to remove you, peaceably if I can, forcibly if I must; I will now give you two days to remove in, and if you do not cross the Mississippi within that time, I will adopt measures to *force* you away." Black Hawk told him he never would consent, and was determined not to leave the village, and the council broke up.

General Gaines entered Rock River with a steamboat having one gun on board, and a detachment of soldiers were encamped below the mouth of the river. On the day appointed for the removal of the Indians, Black Hawk says that "We crossed the Mississippi during the night and encamped some distance below Rock Island; another council was convened, a treaty was entered into, I *touched the goose-quill* to this treaty, and was determined to live in peace."

By the terms of the treaty corn was to be given the Indians in place of that which was growing in their fields: the corn given was inadequate to their wants, and the women and children lamented, being deprived of their *roasting ears*, *beans*,

and *squashes.* To satisfy them a small party of braves went over in the night to *steal* corn from their own fields. They were discovered by the whites and fired upon.

At the time that General Gaines was expected to arrive with his detachment, Ne-a-pope had been sent by Black Hawk to Malden for advice; when he returned, he said he had seen the chiefs of their British Father, who told him, that if the village and land had not been sold, the American government could not take them, and the exclusive right of property was in the Indians, from which the Americans could not *force* them; and in the event of a war, they (the Indians) should have nothing to fear, as the British would stand by and assist them. Ne-a-pope further told Black Hawk that he had called at the Prophet's village on his way, and that he learned from him that their British Father was going to send them guns, ammunition, provisions, and clothing, early in the spring; the vessels were to bring them by way of Mil-wa-ke; the Prophet had also received wampum and tobacco from the different nations on the lakes, Ottawas, Chippewas, Pottowatomies; and as for the Winnebagoes, he had them all at his command; that all these tribes would fight for them if necessary, and the British would support them; and if they should be whipped they would still be safe, as the Prophet had received a friendly talk from the chief of Was-sa-cum-mi-co, (at Selkirk's Settlement,) that he would make them happy, if they were dissatisfied with their country.

At a subsequent period, after Black Hawk had fully committed himself by actually plunging into war with the whites, he found that he had been grossly deceived by the representations of Ne-a-pope, and that a tissue of falsehoods had been imposed on him, (no doubt at the instigation of the Prophet, who was ever most bitterly inimical against the Americans,) in order to induce him to take up the hatchet, although in a most desperate and hopeless case. Black Hawk makes the following acknowledgment of the truth of the result of Ne-a-pope's mission to the commandant at Malden:—

"The supplies that Ne-a-pope and the Prophet had told us

about, and the reinforcements we were to have, were never more heard of; and it is but justice to our British Father to say, were never promised; his chief having sent word, in lieu of the lies that were brought to me, for us to remain at peace, as we could accomplish nothing but our own ruin in going to war."

But this exposition of Ne-a-pope's deception came too late, although it is very evident that Black Hawk was extremely willing to seize upon any encouragement for him to commence the war. He says, "I sent word to Keokuk's band and the Fox tribe, and explained to them the *good news* I had heard; they would not hear; Keokuk said I had been imposed upon by *liars*, and had much better remain where I was, and keep quiet. When he found that I was determined to make an attempt to secure my village, and fearing that some difficulty would arise, he made application to the agent and great chief at St. Louis, for permission for the chiefs of our nation to go to Washington to see our Great Father, that we might have our difficulties settled amicably."

Black Hawk kept his band together, and recruited as many as he could, determined to rescue his village in the spring, provided he did not go to Washington; but in this expectation he was disappointed, as no answer was received to the application to their Great Father, and he asserts that there was *bad management somewhere, or the difficulty that has taken place would have been avoided.*

Ascertaining that he could not be permitted to go to Washington, Black Hawk tried, unsuccessfully, to recruit his band from the braves of Keokuk; he collected all his own people; encamped on the Mississippi where Fort Madison had stood, and made preparations to ascend Rock River. His party commenced their march up the Mississippi, the women and children in canoes, carrying provisions, camp equipage, &c., and the warriors and braves on horseback, armed and equipped; the Prophet joined them below Rock River, and they were informed that the American soldiers were on their way to Rock Island; on the same night the White Beaver, (General

Atkinson,) with his detachment of the army, passed up the Mississippi in steamboats. The Indians began to ascend Rock River, and an express was sent to them by General Atkinson, with an order for them to return and recross the Mississippi; Black Hawk refused to obey the order, and moved on toward the Prophet's village; another express came from General Atkinson, threatening that if they did not return peaceably, they should be pursued and driven back; the answer sent by Black Hawk was, "If he wished to fight us, to come on."

At this period, Mr. Gratiot, sub-agent of the Winnebagoes, with several of the chiefs and head-men of the Winnebago nation, came to Black Hawk's encampment, but having no interpreter, he was obliged to make use of the Winnebago chiefs. They told Black Hawk that the object of his mission was to persuade him to return, but they advised him to go on, and the farther he went up the river, the more friends he would meet; that the Winnebagoes were his friends, and that he would receive reinforcements sufficiently strong to repulse an enemy. They further said that they would go down with their agent to ascertain the strength of the enemy, and then return with the news; they acknowledged that they had used stratagems to deceive the agent and to help the Sacs; during this council, the British flag was hoisted by Black Hawk's band; Gratiot returned to Rock Island with the Winnebago chiefs.

Black Hawk started the next day with his band to Kish-wa-co-kee, and encamped at night a short distance above the Prophet's village. When all was quiet in his camp, he sent for his chiefs and told them he had been deceived, and that all the fair promises held out by Ne-a-pope were false, but that the war party must not know it; that they would move on to Kish-wa-co-kee, as if all was right, and see what the Pottowatomies would do. Accordingly, they told the band that news had just come from Milwakee that a chief of their British Father would be there in a few days. On his arrival at Kish-wa-co-kee with the Prophet, an express was sent to the Pottowatomies' villages, and the next day a deputation arrived from them. The Pottowatomies denied having any knowledge of

a promise of any assistance whatever from the British, and Black Hawk informed them of the news which Ne-a-pope had brought to him, and the deputation returned to their village. The next day actual hostilities commenced, and we now proceed with the account which Black Hawk gives of the several events of the war from this time until his surrender after the battle of Bad Axe; the dates which are omitted in Black Hawk's statements, will be given in the details of the same events, as found in the personal narratives, newspaper accounts, and official reports to government, in relation to the Black Hawk war.

Following Black Hawk's account, he says that he sent word by the Pottowatamie deputation, that he wished to have a talk with their chiefs; accordingly they arrived the next day, and he had a dog killed and made a feast; when it was ready, he spread his *medicine bags*, and the chiefs commenced their eating. We now take up Black Hawk's narrative:—"When the ceremony was about ending, I received news that three or four hundred white men on horseback had been seen about eight miles off. I immediately started three young men with a white flag to meet them and conduct them to our camp, that we might hold a council with them and descend Rock River again; and directed them, in case the whites had *encamped*, to return, and I would go and see *them*. After this party had started, I sent five young men to see what might take place. The first party went to the encampment of the whites and were taken prisoners. The last party had not proceeded far before they saw about twenty men coming toward them in full gallop. They stopped, and finding that the whites were coming so fast, in a warlike attitude, they turned and retreated, but were pursued and two of them overtaken and killed; the others made their escape. When they came in with the news, I was preparing my flags to meet the war-chief; the alarm was given; nearly all my young men were absent about ten miles off; I started with what I had left, about forty, and had proceeded but a short distance before we saw a party of the army approaching. I raised a yell, and said to my braves, 'Some of our people

have been killed! wantonly and cruelly murdered! we must revenge their death!'

"In a little while we discovered the whole army coming toward us in full gallop.[1] We were now confident that our first party had been killed. I immediately placed my men in front of some bushes, that we might have the first fire when they approached close enough; they made a halt some distance from us; I gave another yell and ordered my brave warriors to charge upon them; they did charge, every man rushed and fired, and the enemy retreated in the utmost confusion and consternation, before my little but brave band of warriors.

"After pursuing the enemy some distance, I found it useless to follow them, as they rode so fast, and returned to my encampment with a few of my braves, (about twenty-five having gone in pursuit of the enemy.) I lighted my pipe, and sat down to thank the Great Spirit for what he had done. I had not been long meditating, when two of the three young men I had sent out with the flag to meet the American war-chief, entered. My astonishment was not greater than my joy to see them living and well; I eagerly listened to their story, which was as follows."

We shall here condense the relation:—When the Indians arrived at the encampment of the whites, a number rushed out to meet them, bringing their guns with them; they were taken into the camp, where an American who spoke the Sac language told them, his chief wanted to know who they were—where they were going—where their camp was—and where Black Hawk was. The Indians answered that they had come to see the chief, and to conduct *him* to Black Hawk's camp, or if he had encamped, then Black Hawk would come to *him*, and hold a council, as he had given up all intention of going to war. At this crisis a party of white men came in on horseback—they looked at the Indians with indignation—talked among themselves for a moment—a tumult arose—several cocked their guns—in a second, fired at the Indians in the crowd, and killed

[1] Stillman's Defeat, 14th May, 1832.

one of them—the two others rushed through the crowd and escaped—took to an ambush, and soon were followed by the whites at full speed—one white man came near the ambush of the two Indians, one of whom threw his tomahawk, killed him, afterwards scalped him with his own knife, took his gun, mounted his horse, and took his own companion behind him. They afterwards turned to follow the braves who were running the enemy, and overtook a white man whose horse had mired in a swamp. One of the Indians alighted, tomahawked the man who was apparently fast under his horse, and took his scalp, horse and gun. The pursuing Indians were far ahead, and the two followed on, and saw several white men lying dead on the way. After riding about six miles, they met the party returning, and on their way back, they found and scalped ten whites who had been killed, besides the two above mentioned. The loss of the Indians was *three:* one killed out of the first party of three, and two out of the second party of five. We now resume Black Hawk's narration.

"We first disposed of our dead, and then commenced an examination of the enemy's deserted encampment for plunder. We found arms, ammunition, and provisions, all of which we were in want of, particularly the latter, as we were entirely without. We found also a variety of saddle-bags, which I distributed among my braves, and a small quantity of whiskey, and some *little barrels* that had contained this *bad medicine*, but they were *empty*. The enemy's encampment was in the skirt of a woods near a run, about half a day's travel from Dixon's Ferry. We attacked them in the prairie, with a few bushes between us, about sundown, and I expected my whole party would be killed. I was surprised to see this army of several hundreds retreating without showing fight, and passing through their encampment.

"Never was I so much surprised in my life as I was in this attack. An army of three or four hundred, after having learned that we were suing for peace, to attempt to kill the flag-bearers that had gone unarmed to ask for a meeting of the war-chiefs of the two contending parties to hold a council,

that I might return to the west side of the Mississippi; to come forward with a full determination to demolish the few braves I had with me; to *retreat* when they had *ten* to *one*, was unaccountable to me. I expected to see them fight as the Americans did with the British during the last war—but they had no such braves among them.

"I had resolved upon giving up the war, and sent a *flag of peace* to the American war-chief, expecting as a matter of right, reason, and justice, that our *flag would be respected.* Yet, instead of this honourable course, which I have always practised in war, I was forced into war with about five hundred warriors, to contend against three or four thousand. What was now to be done? It was worse than folly to turn back and meet an enemy where the odds were so much against us, and thereby sacrifice our wives and children to the fury of an enemy who had murdered some of our brave and unarmed warriors, when they were on a mission to sue for peace."

Black Hawk then sent out spies to watch the army, and moved up the Kish-wa-co-kee with the balance of his people. He says he did not know where to go to find a place of safety for his women and children, but expected to find a good harbour about the head of Rock River. On his arrival at the head of the Kish-wa-co-kee, he was met by a party of Winnebagoes, who seemed to rejoice at his success. They told him they had come to offer their services, and were anxious to join him. He inquired for a safe place for his women and children, and was promised two old men as guides. He then sent out war parties in different directions, the Winnebagoes went alone, and he himself commenced moving to the *Four Lakes*, the place where the guides were to conduct him. They had not gone far, before six Winnebagoes came in with one scalp. They said they had killed a man[1] at a grove on the road from Dixon's to the lead-mines. Four days after, the party of Winnebagoes who had gone out from the head of Kish-wa-co-kee, overtook him, and told him they had killed four men, and

[1] Mr. Winters, a mail contractor, or Durley.

taken their scalps, and that one of them was Ke-o-kuk's father, (the agent;[1]) they proposed to have the scalp-dance; but Black Hawk refused in consequence of having lately lost three of his braves, and the Winnebagoes danced in their own camp. Two days afterwards, Black Hawk's party arrived at the Four Lakes, and in a few days a great number of his warriors came in, and he called them together, and encouraged them to deserve being honoured with the *medicine bag*, by exhibiting their courage and avenging the murder of the three braves. Several small parties went out and returned with success, also bringing in provisions for the people; the spies reported that the army had fallen back to Dixon's Ferry, and that the horsemen[2] had broken up their camp, disbanded, and returned home.

Finding the enemy so far off, Black Hawk made a dog feast, exhibited the great *medicine bags* of his ancestors, and encouraged his warriors and braves; he then started with about two hundred warriors, directing his course towards *sunset*, and arrived at Mos-co-ho-co-y-nak, (Apple River.) The account given by Black Hawk of his attack on the fort at this place, is as follows:—"When we arrived in the vicinity of the fort the white people had built there, we saw four men on horseback; one of my braves fired and wounded a man, when the others set up a yell, as if a large force were near and ready to come against us. We concealed ourselves—no enemy came—the four men ran to the fort and gave the alarm—we followed them, and attacked the fort, and killed one man who raised his head above the picketing to fire at us. Finding that these people could not all be killed without setting fire to their houses and fort, I thought it more prudent to be content with what flour, provisions, cattle, and horses we could find, than to set fire to their buildings, as the light would be seen at a distance, and the army might suppose we were in the neighbourhood, and come upon us with a force too strong. Accordingly, we opened a house, and filled our bags with flour

[1] St. Vrain. The other three were Fowler, Hawley, and Hale.

[2] Mounted volunteers.

and provisions, took several horses, and drove off some of their cattle.

"We started in a direction towards *sunrise*. After marching a considerable time, I discovered some white men coming towards us; we concealed ourselves in the woods, and when they came near enough, we commenced yelling and firing, and made a rush upon them.[1] About this time, their chief,[2] with a party of men, rushed up to rescue the men we had fired upon. In a little while they commenced retreating, and left their chief and a few braves, who seemed willing and anxious to fight. They acted like braves, but were forced to give way when I rushed upon them with my braves. In a short time the chief returned with a large party; he seemed determined to fight, and anxious for a battle. When he came near enough, I raised a yell, and firing commenced from both sides; the chief (who seemed to be a small man) addressed his warriors in a loud voice, but they soon retreated, leaving him and a few braves on the battle-field. A great number of my warriors pursued the retreating party, and killed a number of their horses as they ran. The chief and his few braves were unwilling to leave the field; I ordered my braves to rush upon them, and had the mortification of seeing two of my *chiefs* killed before the enemy retreated. This young chief deserves great praise for his courage and bravery; but fortunately for us, his army was not all composed of such brave men. During this attack, we killed several men and about forty horses, and lost two young chiefs and seven warriors."

Having arrived at his encampment, Black Hawk learned from his spies that the army had commenced moving; a party of five Indians came in and said they had been pursued for several hours, and were attacked in the woods where they were concealed, by twenty-five or thirty whites; after some skirmishing, and much firing on both sides, the whites retreated, having had three men killed;[3] the Indians lost one

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[1] Battle of Buffalo Grove. [2] Major John Dement.
[3] Capt. Stephenson's fight.

man, whose throat was cut while fighting with two whites. Another party of three Sacs had come in, and brought in two young white squaws,[1] whom they had given to the Winnebagoes to take to the whites; they said they had joined a party of Pottowatamies, and went with them as a war-party against the settlers on the Illinois. "The leader of this party," says Black Hawk, "a Pottowatamie, had been severely whipped by this settler,[2] some time before, and was anxious to avenge the insult and injury. While the party was preparing to start, a young Pottawatamie went to the settler's house, and told him to leave it—that a war party was coming to murder them. They started, but soon returned again, as it appeared that they were all there when the war party arrived. The Pottawatamies killed the whole family except the two young squaws, whom the Sacs took upon their horses, and carried off to save their lives. They were brought to our encampment, and a messenger sent to the Winnebagoes, as they were *friendly on both sides*, to come and get them, and carry them to the whites. If these young men belonging to my band had not gone with the Pottawatamies, the two young squaws would have shared the same fate as their friends.

"During our encampment at the Four Lakes we were hard put to, to obtain enough to eat to support nature. Situate in a swampy, marshy country, (which had been selected in consequence of the great difficulty required to gain access thereto,) there was but little game of any sort to be found, and fish were equally scarce. The great distance to any settlement, and the impossibility of bringing supplies therefrom, if any could have been obtained, deterred our young men from making further attempts. We were forced to dig *roots* and *bark trees*, to obtain something to satisfy hunger, and keep us alive. Several of our old people became so much reduced as actually to *die with hunger*. Finding that the army had commenced moving, and fearing that they might come upon and surround our encampment, I concluded to remove my women

[1] The two Misses Hall.

[2] Mr. Hall.

and children across the Mississippi, that they might return to the Sac nation again. Accordingly, on the next day we commenced moving, with five Winnebagoes acting as our guides, intending to descend the Ouisconsin.

"Ne-a-pope, with a party of twenty, remained in our rear to watch for the enemy, while we were proceeding to the Ouisconsin with our women and children. We arrived,[1] and had commenced crossing them to an island, when we discovered a large body of the enemy coming toward us.[2] We were now compelled to fight, or sacrifice our wives and children to the fury of the whites. I met them with fifty warriors, (having left the balance to assist our women and children in crossing,) about a mile from the river, when an attack immediately commenced. I was mounted on a fine horse, and was pleased to see my warriors so brave. I addressed them in a loud voice, telling them to stand their ground, and never yield it to the enemy. At this time I was on the rise of a hill, where I wished to form my warriors, that we might have some advantage over the whites. But the enemy succeeded in gaining this point, which compelled us to fall back into a deep ravine, from which we continued firing at them, and they at us, until it began to grow dark. My horse having been wounded twice during this engagement, and fearing from his loss of blood that he would soon give out—and finding that the enemy would not come near enough to receive our fire in the dusk of the evening—and knowing that our women and children had had sufficient time to reach the island in the Ouisconsin, I ordered my warriors to return, in different routes, and meet me at the Ouisconsin, and was astonished to find that the enemy were not disposed to pursue us.

"In this skirmish, with fifty braves, I defended and accomplished my passage over the Ouisconsin, with a loss of only *six* men, though opposed by a host of mounted militia. I would not have fought there but to gain time for my women

[1] At Wisconsin Heights, opposite to Sauk Prairie.

[2] General Henry's command.

and children to cross to an island. A warrior will duly appreciate the embarrassments I laboured under; and whatever may be the sentiments of the white people in relation to this battle, my nation, though fallen, will award to me the reputation of a great brave, in conducting it.

"The loss of the enemy could not be ascertained by our party, but I am of opinion it was much greater, in proportion, than mine. We returned to the Ouisconsin, and crossed over to our people. Here some of my people left me and descended the Ouisconsin, hoping to escape to the west side of the Mississippi, that they might return home. I had no objection to their leaving me, as my people were all in a desperate condition, being worn out with travelling, and starving from hunger; our only hope to save ourselves was to get across the Mississippi. But few of this party escaped; unfortunately for them, a party of soldiers from Prairie du Chien was stationed on the Ouisconsin, a short distance from its mouth, who fired upon our distressed people; some were killed, others drowned, several taken prisoners, and the balance escaped to the woods and perished with hunger; among this party were a great many women and children.

"I was astonished that Ne-a-pope, and his party of spies, had not yet come in, they having been left in my rear to bring the news if the enemy were discovered. It appeared, however, that the whites had come in a different direction, and intercepted our trail but a short distance from the place where we first saw them, leaving our spies considerably in the rear. Ne-a-pope, and one other, retired to the Winnebago village, and there remained during the war; the balance of his party, being brave men, and considering our interest as their own, returned and joined our ranks.

"Myself and band having no means to descend the Ouisconsin, I started over a rugged country to go to the Mississippi, intending to cross it and return to my nation; many of our people were compelled to go on foot, for want of horses, which, in consequence of their having had nothing to eat for a long time, caused our march to be very slow. At length we

arrived at the Mississippi,[1] having lost some of our old men and little children, who perished on the way with hunger.

"We had been here but a little while, before we saw a steamboat (the "Warrior") coming; I told my braves not to shoot, as I intended going on board, so that we might save our women and children; I knew the captain, (Throckmorton,) and was determined to give myself up to him. I then sent for my *white flag*. While the messenger was gone, I took a small piece of white cotton, and put it on a pole, and called to the captain of the boat, and told him to send his little canoe ashore, and let me come on board. The people on the boat asked whether we were Sacs or Winnebagoes; I told a Winnebago to tell them we were Sacs, and wanted to give ourselves up. A Winnebago on the boat called to us 'to run and hide, that the whites were going to shoot.' About this time, one of my braves had jumped into the river, bearing a white flag to the boat, when another sprang in after him and brought him to shore. The firing then commenced from the boat, which was returned by my braves and continued for some time; very few of my people were hurt after the first fire, having succeeded in getting behind old logs and trees, which shielded them from the enemy's fire.

"The Winnebago on the steamboat must have either misunderstood what was told, or did not tell it to the captain correctly, because I am confident he would not have fired upon us, if he had known my wishes. I have always considered him a good man, and too great a brave to fire upon an enemy when suing for quarter.

"After the boat had left us, I told my people to cross, if they could, and wished; that I intended going into the Chippewa country. Some commenced crossing, and such as had determined to follow them, remained—only three lodges going with me. Next morning,[2] at daybreak, a young man overtook me, and said that all my party had determined to cross the

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[1] Near the mouth of the river Bad Axe, August 1st, 1832.

[2] August 2d.

Mississippi—that a number had already got over safe, and that he had heard the white army,[1] last night, within a few miles of them. I now began to fear that the whites would come up with my people, and kill them before they could get across. I had determined to go and join the Chippewas, but, reflecting that by this I could only save myself, I concluded to return and die with my people, if the Great Spirit would not give us another victory; during our stay in the thicket, a party of whites came close by us, but passed on without discovering us.

"Early in the morning, a party of whites, being in advance of the army, came upon our people, who were attempting to cross the Mississippi; they tried to give themselves up; the whites paid no attention to their entreaties, but commenced slaughtering them. In a little while the whole army arrived; our braves, but few in number, finding that the enemy paid no respect to age or sex, and seeing that they were murdering helpless women and little children, determined to fight until they were killed. As many women as could, commenced swimming the Mississippi, with their children on their backs; a number of them were drowned, and some shot, before they could reach the opposite shore.

"One of my braves, who gave me this information, piled up some saddles before him, (when the fight commenced,) to shield himself from the enemy's fire, and killed three white men. But seeing that the whites were coming too close to him, he crawled to the bank of the river, without being perceived, and hid himself under it till the enemy retired. He then came to me, and told me what had been done. After hearing this sorrowful news, I started with my little party to the Winnebago village at Prairie la Crosse. On my arrival there, I entered the lodge of one of the chiefs, and told him that I wished him to go with me to his father—that I intended to give myself up to the American war-chief, and *die*, if the Great Spirit saw proper; he said he would go with me. I

[1] General Atkinson's forces.

then took my *medicine bag*, and addressed the chief; I told him it was the 'soul of the Sac nation—that it never had been dishonoured in any battle—take it, it is my life—dearer than life—and give it to the American chief.' He said he would keep it, and take care of it, and if I was suffered to live, he would send it to me. During my stay at the village, the squaws made me a dress of white deer-skin; I then started with several Winnebagoes, and went to their agent[1] at Prairie du Chien, and gave myself up.[2]

"The massacre which terminated the war, lasted about two hours; our loss in killed was about sixty, besides a number that were drowned. The loss of the enemy could not be ascertained by my braves, exactly, but they think that they killed about sixteen during the action."

Such is Black Hawk's own account of the war against the whites, in which he and his band were engaged, in 1832. We proceed to give a condensed narrative of the principal events of that war, derived from the authorities of the time, as made public through the medium of the press, and from the testimony of living witnesses at this day; the dates of those events will be supplied, as in Black Hawk's statement they are wholly omitted; the termination of his rash, obstinate, delusive, and unfortunate career may well be noted here.

It has been ascertained that a number of the women and children who had got safely across the Mississippi, at the battle of Bad Axe, were pursued and killed by a large body of Sioux, the implacable enemy of the Sacs; this was certainly a cruel *finale* of the war, but one which it was, perhaps, out of the power of the Americans to prevent. We have seen that Black Hawk fled to the Winnebago village at Prairie la Crosse, and although he had escaped, he took nothing with him: even the certificate of good character, and of his having fought bravely against the Americans in the war of 1812, signed by a British officer, was picked up afterward on the battle-ground. He was an exile in the land of his fathers.

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[1] General Joseph Street.

[2] August 27th, 1832.

On the 27th of August, 1812, at about eleven o'clock, two Winnebago Indians, Decorrie, called the One-eyed,[1] and Chaetar, arrived in camp at Prairie du Chien, bringing Black Hawk and the Prophet as prisoners; the One-eyed, in a speech to the agent, General Street, spoke thus:—

"We have done as you told us. We always do as you tell us, because we know it is for our good. You told us to bring them to you alive; we have done so. If you had told us to bring their heads alone, we should have done so. We want you to keep them safe; if they are to be hurt, we do not want to see it; wait until we are gone before you do it. We know you are our friend, because you take our part; and that is the reason we do what you tell us to do. You say you love your red children; we think we love you as much, if not more, than you love us. We have confidence in you, and you may rely on us. We have been promised a great deal if we would take these men; that it would do much good to our people. We now hope to see what will be done for us. We now put these men into your hands. We have done all that you have told us to do."

Chaetar also made a speech, and General Street replied to them. Black Hawk also made a speech, said to be very correctly reported, in which, among other matters, he says—

"My warriors fell around me; it began to look dismal. I saw my evil day at hand. The sun rose clear on us in the morning, and at night it sunk in a dark cloud, and looked like a ball of fire. This was the last sun that shone on Black Hawk. He is now a prisoner to the white man. But he can stand the torture. He is not afraid of death. He is no coward. Black Hawk is an Indian; he has done nothing of which an Indian need to be ashamed. He has fought the battles of his country against the white men, who came, year after year, to cheat them and take away their lands. You know the cause of our making war—it is known to all white men—they ought to be ashamed of it. The white men despise the Indians, and drive them from their homes. But the

[1] Sometimes "the Blind."

Indians are not deceitful. The white men speak bad of the Indian, and look at him spitefully. But the Indian does not tell lies. Indians do not steal. Black Hawk is satisfied. He will go to the world of spirits contented. He has done his duty—his Father will meet him and reward him.

"The white men do not scalp the head, but they do worse—they poison the heart; it is not pure with them. His countrymen will not be scalped, but they will, in a few years, become like the white men, so that you cannot hurt them; and there must be, as in the white settlements, as many officers as men, to take care of them and keep them in order. Farewell to my nation! Farewell to Black Hawk!"

He was then delivered by the agent to the commanding officer at Fort Crawford, General Atkinson having descended the river; after remaining there a short time, he was sent, in the steamboat Winnebago, to Jefferson Barracks,[1] under the charge of Lieutenant Jefferson Davis. On passing Rock Island, General Scott came out in a small boat to see the captives, but as the cholera was then raging among the troops at Fort Armstrong, the captain of the steamboat would not permit the general to come on board. On his arrival at Jefferson Barracks, Black Hawk was kindly received, and well treated by General Atkinson, but was greatly mortified and humiliated on being forced to wear the *ball-and-chain*. He did not blame the White Beaver, (General Atkinson,) as he supposed it was a part of his duty so to treat the prisoners. They were comfortable throughout the winter. In the spring of 1833, Black Hawk was visited by the agent, trader, and interpreter from Rock Island, Keokuk, and several chiefs and braves of the Sac nation, also by his wife and daughter; among these he spent his time agreeably as long as they remained. In a short time an order came to General Atkinson to send them on to the seat of government, and on the 22d of April, 1833, the captives arrived at Washington. In the course of their journey they were astonished at the population and

[1] September 9th, 1832.

power of the whites—their roads, carriages, villages, cities, shipping, &c., of all which they never had any, except imperfect or false ideas. Black Hawk had an interview with President Jackson, and the first words with which he accosted his Great Father, were, "I am a man, and you are another." At the close of his speech to the President, he said—

"We did not expect to conquer the whites—they had too many houses, too many men. I took up the hatchet, for my part, to revenge injuries which my people could no longer endure. Had I borne them longer without striking, my people would have said, 'Black Hawk is a woman—he is too old to be a chief—he is no Sac.' These reflections caused me to raise the war-whoop. I say no more of it; it is known to you. Keokuk once was here—you took him by the hand; and when he wished to return to his home, you were willing. Black Hawk expects that, like Keokuk, we shall be permitted to return too."

The President told him he was well acquainted with the circumstances which led to the disasters to which he had alluded. It was unnecessary to look back upon them. He intended now to secure the observance of peace. They need not feel any uneasiness about their women and children; they should not suffer from the Sioux and Menominees. He would compel the red men to be at peace with one another. That when he was satisfied that all things would remain quiet, they should be permitted to return. He then took him by the hand and dismissed him. On the 26th of April, the captive chiefs were conducted to Fortress Monroe, which is upon a small island on the west side of the Chesapeake Bay, in Virginia. Here they remained till the 4th of June, 1833, when orders were given for their liberation and return to their own country. On taking leave of Colonel Eustis, the commandant of Fortress Monroe, to whom Black Hawk had become ardently attached, he said, "The memory of your friendship will remain till the Great Spirit says, 'It is time for Black Hawk to sing his death-song.'" Then, presenting him with a hunting-dress and some feathers of a white eagle, he con-

tinued, "Accept these, my brother, I have given one like them to the White Otter;[1] accept it as a present from Black Hawk. When he is far away, this will serve to remind you of him. May the Great Spirit bless you and your children: Farewell."

By order of the President, he was taken along the seaboard, through the principal cities of the Union, and travelling to the West by way of Detroit, he reached his home west of the Mississippi. His journey did not only strongly impress him with a sense of the wealth and power of the American nation, but fully convinced him of the utter hopelessness of any organized resistance on the part of the Indians, to the onward march of white civilization. He was well treated, and much flattered by the attentions paid to him by the citizens, and especially the ladies, on his travels. On returning to his people, it was with much difficulty that he was received and accepted once more as a chief. He lived in peace and quietness until October 3d, 1840, when he was gathered to his fathers, and buried on the banks of the Mississippi.

For much of the foregoing information, I acknowledge my indebtedness to the valuable work on the History of Illinois, by Judge Henry Brown, and his closing remarks on the present subject are worthy of insertion here.

"Black Hawk, compared with Philip of Pokanoket, Pontiac, Little Turtle, or Tecumseh, was but an ordinary man, inferior vastly to either. That he was brave, is probable; mere bravery is but a common virtue in the savage. That he was politic beyond others, can scarcely be pretended. He evinced no peculiar talents in any of his plans, nor did he exhibit extraordinary skill in their accomplishment. That he was injured, all admit; and, being roused to resentment, that he fought bravely, and sometimes successfully, cannot be denied. Deserted by those who had promised to be his friends, and deceived by men from whom he expected succour, he was convinced, at an early day, that his race was run. That he

[1] General Scott.

displayed the white flag, and gave notice of his willingness to surrender, on different occasions—before his little band of warriors were defeated and dispersed—and was met, and answered by the rifle, and obliged to fly in order to save his life;—that his flag was first fired upon by the whites, and then, as he says, 'he fired too,' we must, with proof on the subject every where abounding, in honesty admit. Black Hawk, therefore, merely fulfilled his destiny. The savage, it would seem, is ordained to retire before the civilized man. Such, for the last four thousand years, has been the course of God's Providence. Black Hawk affords another, and the last illustration of its truth."[1]

The treaty of St. Louis, of 3d November, 1804, was unquestionably a great cause of the difficulties which afterward arose, in the attempts of the government to remove Black Hawk and his band from their village at the mouth of Rock River. Black Hawk always denied the validity of the treaty, and the authority of those men who signed it, to sell and dispose of his own proper rights; he alleges that the four Indians, Pashepaho, Quashquame, Outchequaka, and Hashequarhiqua, who signed the treaty, and thereby ceded to the United States a vast district of country on both sides of the Mississippi, including his own village at the mouth of Rock River, had been sent to St. Louis on a mission to procure the release of an Indian prisoner, convicted of murder, and for no other purpose. He also alleges that these four Indians always denied having sold Black Hawk's village, and that they had been drunk the greater part of the time they were at St. Louis.

It is to be presumed that the government, in making its treaties with the Indians for the purchase and cession of their lands, would make all suitable inquiries into the authority of the chiefs and warriors who were parties to any treaty whereby Indian title to territory was extinguished; such would be the reasonable and most proper course to be pursued; such course may not in all cases have been followed, and yet the high

[1] Brown's History of Illinois, p. 377.

character of the commissioner, General William H. Harrison, who made this treaty, compels us to believe that he had every reason to suppose that the chiefs who signed the treaty had full power and authority to act in the premises. The treaty, it is true, was afterward denied to be valid by Black Hawk, but it is signed by Pa-she-pa-ho, who was generally considered the great head chief of the Sac Nation; another chief signed it, Lay-au-vois, who is not mentioned by Black Hawk, and it was considered as binding by the Sacs and Foxes generally, as the annuities therein mentioned were paid to, and received by them; and it is also alleged that Black Hawk received his proportion of the annuity. It is also certain that he afterward, in 1816, acknowledged the validity of the treaty of 1804, by "touching the goose quill," but still asserted, that although he signed the treaty of 1816, he did not understand that he was surrendering his village, and the graves of his fathers.

The Sac and Fox Indians were not so united in interests as to preclude them from making separate treaties with the United States government; treaties have been made at several times, with the different bands of Sacs and Foxes.

By the treaty of Portage des Sioux, made by William Clark, Ninian Edwards, and Auguste Chouteau, commissioners, &c., and the king, chiefs, and warriors of the Fox tribe or nation, dated September 14th, 1815, the said Fox tribe—

"Do hereby assent to, recognise, re-establish, and confirm the treaty of St. Louis, which was concluded on the 3d day of November, 1804, to the full extent of their interest in the same, as well as all other contracts and agreements between the parties; and the United States promise to fulfil all the stipulations contained in the said treaty in favour of the said Fox tribe or nation."

By the treaty of Portage des Sioux, made by the above-named commissioners, and the chiefs and warriors of that portion of the Sac Nation of Indians, now residing on the Missouri River, dated September 13th, 1815, the chiefs and warriors—

"For themselves and that portion of the Sacs which they

represent, do hereby assent to the treaty between the United States of America, and the united tribes of Sacs and Foxes, which was concluded at St. Louis on the 3d day of November, 1804; and they moreover promise to do all in their power to re-establish and enforce the same.

"The said chiefs and warriors, for themselves and those they represent, do further promise to remain *distinct* and separate from the *Sacs of Rock River*, giving them no aid, or assistance whatever, until peace shall also be concluded between the United States and the said Sacs of Rock River."

This treaty is signed (among others) by Sha-ma-ga, or the Lance, and by Quàsh-quà-me, or the Jumping Fish. They are spoken of by Black Hawk, as being among the old men, women, and children who descended the Mississippi, during his absence in the late war of 1812, to place themselves under the protection of the American chief at St. Louis.

By the treaty of St. Louis, made by the above-named commissioners and the chiefs and warriors of the Sacs of Rock River and the adjacent country, dated May 13th, 1816, it was stated as a preamble—

"That by the 9th article of the treaty of peace, dated December 24th, 1814, between Great Britain and the United States, it was stipulated that the said party should severally put an end to all hostilities with the Indian tribes with whom they might be at war, at the time of the ratification of said treaty, which ratification was had on the 17th of February, 1815, therefore—

"The Sacs of Rock River and the adjacent country do hereby unconditionally assent to, recognise, re-establish, and confirm the treaty between the United States of America, and the united tribes of Sacs and Foxes, which was concluded at St. Louis, on the 3d of November, 1804; as well as all other contracts and agreements heretofore made between the Sac tribe or nation, and the United States."

The treaty is signed (among twenty-one others) by Mucketamachekaka, or *Black Sparrow-Hawk*, and is that, which he says he did not understand, and that "when he touched the

goose-quill" at the treaty of St. Louis, he did not know he was consenting to give away his village; had that been explained to him, he never would have signed the treaty. This may be so, as this treaty merely ratified *another* treaty; but it is highly improbable that any part of that treaty could have been left unexplained to, or have been misunderstood by, the Sacs, when there were twenty-one other chiefs, besides Black Hawk, whose names are affixed to the treaty; these chiefs had an equal interest, some of them at least, in the village at Rock Island.

Black Hawk was undoubtedly the chief of his own particular band of Sacs, and had his own village. He was in possession of the great *medicine bags* of his great-grandfather, Na-na-ma-kee, or Thunder, which *he* had received from *his* father, Muk-a-tà-quet, when he resigned to him his power as chief or king of his tribe and village. But although his particular rank was thus acknowledged, yet it is a questionable matter, as to his authority over any other Sac band or village, and especially so, in respect to the recognition of any superior authority in him, by the united bands of Sacs and Foxes.

According to Black Hawk's account, the Great Spirit had first placed the Sac Nation in the vicinity of Montreal. The different tribes of Indians around the Sac Nation, united their forces against them, and drove them from Montreal to Mackinaw. Their enemies still pursued them, and drove them to different places on the lake, until they made a village near Green Bay. Here they held a council with the Foxes, and a national treaty of friendship and alliance was concluded upon. The Foxes abandoned their village and joined the Sacs. This arrangement being mutually obligatory upon both parties, as neither was sufficiently strong to meet their enemies with any hopes of success, they soon became as one band, or nation of people. They were driven, however, by the combined force of their enemies, to the Wisconsin. They remained here some time, until a party of their young men (who had descended Rock River to its mouth) returned and made a favourable report of the country. They all descended Rock River, drove

the Kas-kas-kias from the country, and commenced the erection of their village, determined never to leave it. At this village, near the mouth of Rock River, Black Hawk was born, in the year 1767, as he acknowledged his age to be sixty-seven in the year 1834.

Some contradictory traits in his character are apparent in his own account of himself and his actions. Black Hawk, perhaps, in common with other native tribes, had *plunder* in his view, as well as *revenge*, in all his excursions on war parties against the whites. He left his command of savages at Fort Sandusky, during the war of 1812, and returned home, because he saw no chance of getting *plunder*,—he was more anxious for *plunder* than for fighting when the boat was stranded above Rock Island, and boasts that the Great Spirit gave it to them. Many other incidents in his life, as related by himself, prove his disposition for *depredation* on the whites, although unaccompanied by warfare.

His veracity is not always to be relied on, or his memory often fails him in his narrative. He places the time of the treaty of 1804, at a period *some moons after* Lieutenant Pike had *descended* the Mississippi. Lieutenant Pike did not leave St. Louis on his expedition *up* the Mississippi, until 9th of August, 1805. The four chiefs whom Black Hawk names as having been sent to St. Louis in order to procure the liberation of the Indian condemned for murder, may have been *all* the chiefs that he knew of, who were there; but there was a fifth, Layowvois, who signed the treaty then made. There is a mystery in the denial of the four chiefs, as stated by Black Hawk, in relation to the treaty; and although Pash-e-pa-ho was in reality principal chief of the Sac Nation, yet his authority to dispose of Black Hawk's village without his consent, or notice to him, may well be questioned. Still, this whole mystery rests on the bare assertion of Black Hawk in regard to the execution of the treaty of November, 1804.

Often in his narrative, Black Hawk exhibits a great desire to be considered as a man of *temperance*, and a devoted hater of *bad medicine*. He found, he says, several barrels of

whiskey on the captured boat, which he *emptied* into the river; and yet, in the course of the same day, he accepted a keg of *rum* from the British officer, and in the evening disposed of it in feasting and dancing. He appears to regret that he found only a *little* whiskey in the American encampment after "Stillman's run" or defeat; and that the little barrels (canteens) had contained bad medicine, but were *now* empty.[1]

But, whatever may have been his character for truth in the statements which he has made, and the causes which he assigns for the desperate conduct of himself and followers in the Indian disturbances of 1831 and 1832, it is evident that the rush of white population into the northern part of Illinois, and their occupancy of lands where the Indian still not only freely roamed, but upon which even yet stood his wigwam, and his little patch of corn and beans, was by no means well calculated to prevent an immediate personal collision between the red man and the emigrant settler. Such collisions frequently took place; angry words were succeeded by blows, and Black Hawk himself, in one instance, was met in the woods by some whites, and so severely beaten, that he remained lame for a long time afterward. Depredations were committed by the red man and the white, upon the property of each other, and it very soon became perfectly apparent, that such a state of matters was totally inconsistent with the preservation of the public peace; in fact, it was the received opinion on the frontiers, early in 1831, that the Indians intended to make a general outbreak, and it was correctly supposed by General Atkinson, that efforts had been, or were then being made, to unite all the tribes of Indians, from Rock River to Mexico, in a war. This was the truth, so far as can be judged from this declaration of Black Hawk: he says,

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[1] I can vouch myself that I came up the Mississippi in a steamboat, on board of which was Black Hawk, his wife, and son, and a number of his warriors, in July, 1837, and that Black Hawk was apparently particularly fond of brandy, as he often indulged himself with it at the bar on board of the boat; but to this act, it must be confessed, he was always invited by the *white* passengers. W. R. S.

"runners were sent to the Arkansas, Red River, and Texas; not on the subject of our lands, but a secret mission, which I am not at present permitted to explain."

We have observed that by the several treaties spoken of, the Sacs and Foxes had sold their country east of the Mississippi, to the United States, and that Black Hawk denied participating in such sale; it is evident that among the united bands of Sacs and Foxes there were two parties, one of which might be termed the "peace party," and was headed by Keokuk; this party had already removed to the west side of the Mississippi, and Keokuk was exerting his influence to induce all the bands to remove there also. The other party was led by Black Hawk, who says, that, when called on for his opinion concerning the sale of the lands, and the village at Rock Island, which was acknowledged and sanctioned by Keokuk, he gave his sentiments freely: he observes, that in the summer of 1831, while on a visit to the Indian agent at Rock Island, "I heard for the first time talk of our having to leave my village. The trader explained to me the terms of the treaty that had been made, and said we would be obliged to leave the Illinois side of the Mississippi, and advised us to select a good place for our village, and remove to it in the spring. After questioning Quàsh-quà-me about the sale of the lands, he assured me that he never had consented to the sale of our village. I now promised this party to be their leader, and raised the standard of opposition to Keokuk, with a full determination not to leave my village."

The hunting-grounds of the Sacs were on the western side of the Mississippi, and during the period that elapsed from the time they had set out upon their usual winter's hunt, in the fall of 1830, and their return in the winter of the same year, the whites had taken possession of Black Hawk's village; the women and children of the Indians were shelterless on the banks of the river, and the families of those whom they could look upon in no other light than as intruding enemies, were occupying their own lodges and wigwams, and preparing to cultivate their corn-fields and their gardens; such

a state of things in civilized life, even where law is fully respected, would in the highest degree be grievous and deplorable; to the Indian the condition of affairs became insufferable, and a determination was made to repossess the village at all hazards.

Early in the spring of 1831, the Sacs, headed by Black Hawk, recrossed the Mississippi, and, in a menacing manner, took possession of their bark cabins, and their old corn-fields; but if we can believe Black Hawk, he did not mean to be provoked into a war by any thing less than the life-blood of some of his people, which he said the whites dare not take, at least so long as he remained on the government's land; for by an article of the treaty which had caused these troubles, the Indians were not obliged to leave the lands so long as they remained unsold. But the settlers cried out against the encroachment of the Indians upon them, which soon became so loud and clamorous, that Governor Reynolds, forthwith taking the responsibility, declared the State of Illinois invaded by hostile Indians, although it does not appear that any of them were upon other lands than those owned by the United States. This was about the last of May, 1831.

Governor Reynolds accordingly wrote to General Gaines, the military commander of the Western department, stating the fact of the invasion of the State; that, in order to repel it, he had ordered out seven hundred militia, and, as "Executive of the State of Illinois," he solicited the co-operation of the general; under such circumstances, there remained no alternative but to proceed on, with an army to drive off the Indians.

General Gaines immediately repaired to Rock Island with a small force of regular soldiers; and having every substantial reason to believe that the Indians were determined on war, or at all events to resist any peaceful attempts to remove them to the western side of the Mississippi; and that nothing short of compulsory measures to that effect, would restore tranquillity to the country, and afford sufficient protection to the settlers, he called on Governor Reynolds for seven hun-

dred mounted volunteers. The requisition was obeyed, and about the 10th of June, the Illinois forces were organized into two regiments, an odd battalion, and a spy battalion; this army marched over the prairies from Beardstown, and in four days' time reached the Mississippi, about eight miles below Rock River, where it met General Gaines in a steamboat, with a supply of provisions. On the next morning, the troops marched to the Indian town, and the steamboat ascended the river; every preparation proper for the occasion of an expected battle had been made, but when the forces arrived, it was ascertained that no enemy was there, as the Indians had quietly departed, in their canoes, for the western side of the river. On the preceding evening, while the army was in camp, a canoe-load of Indians came down, with a white flag, to tell the general that they were peaceable Indians; that they expected a great battle to come off next day; that they desired to remain neutral, and wanted to retire with their families to some place of safety, and they asked to know where that was to be. General Gaines answered them very abruptly, and told them to be off and go to the other side of the Mississippi.[1] They returned to their town the same night, and the next morning crossed the Mississippi; the Indian village was burnt by the volunteers, soon after their arrival and disappointment of the expected conflict with the warriors of Black Hawk.

Thus far, nothing of importance had been achieved, except a voluntary retreat of the Indians, in the presence of an overwhelming force of regulars and militia, whose officers were determined to enforce, at every hazard, the submission of Black Hawk and his band to the observance of all existing treaties with the United States. Of course, something more was necessary to be done, besides the mere destruction of Black Hawk's village, and the display of military force. General Gaines was well satisfied, from all appearances, that the Indians would only resort to the tomahawk and rifle for

[1] Ford's Illinois, p. 113. Drake's Indian Biography, p. 643.

the purpose of self-defence; he was himself not only unwilling to shed blood as long as peaceful measures might prevail, but he had also resolved to "abstain from firing a shot without some bloodshed, or some manifest attempt to shed blood, on the part of the Indians." He had made such report and statement to the authorities of government, and at the same time had expressed the opinion, that, although he had induced nearly one-third of the Indians to cross the Mississippi to their own land, yet he was aware that the residue had declared that they "*never would move;*" and that in this declaration and determination they were supported by the *women*, who would rather that their husbands should fight, than desert the homes of their fathers.

To effect his purposes, General Gaines threatened to cross the river and pursue the Indians, which soon brought Black Hawk and the hostile chiefs to his camp to sue for peace. A new treaty was accordingly entered into, by the terms of which, Black Hawk and his band agreed to remain for ever on the west side of the river, and never to recross it without the permission of the President, or the Governor of the State; thus the treaty of 1804 was in effect ratified, if such ratification were necessary, in regard to the sale of Black Hawk's village; but the observance of this treaty was of very short duration on the part of the faithless Indian.

Early in the spring of 1832, the restless Black Hawk again made his appearance, with his band of followers, on the eastern side of the river; it cannot be denied that his intention was to use all endeavours, even unto force, to recover possession of his village; in the attempts to this effect, he expected aid from his friends and allies, the Winnebagoes, the Pottowatamies, and the Kickapoos; he also had been assured of an active co-operation on part of his British Father at Malden; but in all these he was disappointed, and, as he says, he too late discovered that he had been deceived by false representations and reports, made to him by his confidential agents. Yet none of these facts can, in any manner,

excuse his utter breach of faith in the act of recrossing the Mississippi, in a hostile manner, after the treaty of 1831.

Again did Governor Reynolds make a call on the militia of Illinois, and in a few days, eighteen hundred men rallied under his banner at Beardstown. This force was organized into four regiments and a spy battalion; Colonel Dewit commanded the first regiment, Colonel Fry the second, Colonel Thomas the third, Colonel Thompson the fourth, and Colonel James D. Henry commanded the spy battalion; the whole brigade was put under the command of Brigadier-general Samuel Whiteside, of the State militia, who had commanded the spy battalion in the first campaign.[1]

The line of march was taken up on the 27th of April, and the army proceeded by way of Oquaka, on the Mississippi, to the mouth of Rock River. In the mean time, General Atkinson had set out for the Upper Mississippi, with the regular forces, about the first of April, and on his approach, Black Hawk began to move up Rock River, having previously received several expresses from General Atkinson, ordering him in a peremptory manner to leave the country; but he constantly said that he would not, and said that he was going to the Prophet's village to make corn, to which he had been invited, and the whites might attack him if they dared; that they might come on if they chose, but they would not find him unprepared; yet he would not begin with them.[2]

At the mouth of Rock River, it was agreed upon by General Atkinson and General Whiteside, that the volunteers should ascend Rock River about fifty miles, to the Prophet's town, and there encamp, and feed and rest their horses, and await the arrival of the regular troops with provisions. When General Whiteside arrived at the Prophet's town, instead of remaining there, his men set fire to the village, which was entirely consumed, and the brigade marched on, in the direction to Dixon's ferry, forty miles higher up the river; here a halt was made, to await the arrival of General Atkinson with

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[1] Ford's Illinois, p. 116.

[2] Drake's Indian Biography, p. 644.

the regular forces. At Dixon were found two battalions of mounted volunteers, consisting of two hundred and seventy-five men, from the counties of McLean, Tazewell, Peoria, and Fulton, under the command of Majors Stillman and Bailey. The officers of this force begged to be put forward upon some dangerous service, in which they could distinguish themselves; to gratify them, they were ordered up Rock River, to spy out the Indians.[1] Black Hawk meanwhile had advanced still higher up the river, toward the Kishwakee, expecting a reinforcement of Pottowatamies, Winnebagoes, and Kickapoos, who in the end declined any combined action with him, whatever may have in truth been their previous intentions.

These movements of the hostile Indians, and the consequent action of the military authorities of the country, were calculated to cause alarm to the unprotected settlers and miners in the region of country between the Wisconsin and Rock Rivers; it was justly feared, that even should the Winnebagoes (whose good faith was greatly doubted) remain quiet, yet if Black Hawk and his followers should be driven by the American forces from his positions on Rock River, he must inevitably fall back on the country to the north; in which case the infant settlements in the neighbourhood of Galena, and, in fact, the whole mining region between the State line of Illinois and the Wisconsin River, would be in the most imminent danger of Indian depredation and murder, against which there was no adequate protection, except what lay in the hands of the citizens themselves. Viewing all matters in their true condition, the inhabitants of the mineral region were early in their activity for self-defence, and among the most prominent of the numerous patriotic citizens who immediately came forward with the offer of their persons and their advice for the protection and benefit of the whole community, was found Henry Dodge.

The military position of Colonel Dodge, as commander of the militia of that portion of Michigan Territory, together

[1] Ford's Illinois, p. 117.

with the known energy of his character, gave him at all times a proper standing among the people, which was now immediately improved by the steps which he advised, and took, in order that the settlers and miners should at once proceed, by regular organization, to protect themselves, defend the country, and assist the General Government in its movements to quell the Indian outbreak. Volunteer companies were instantly raised in the mining country; a command of these companies was, with proper judgment, given to Colonel Dodge, and one of his first acts was to write to Governor Reynolds, on the 8th of May, stating the situation which the northern country would be in, should Black Hawk be driven back, and calling on the governor for aid and co-operation.

Colonel Dodge, at the head of twenty-seven volunteers, left Iowa county, (Wisconsin,) immediately after his letter to Governor Reynolds, and proceeded to Rock River to ascertain the actual condition of the country, and, if possible, to consult with the military authorities of Government as to the line of future conduct to be pursued. This party having arrived at Buffalo Grove, "discovered a trail of Indians, which they immediately pursued as far as Rock River, at a point nearly opposite the Kishwaukee, and within a few miles of the ground upon which Major Stillman, at the head of (near) three hundred Illinois volunteers, was, on the same day, (May 14th,) with his whole command, disastrously beaten and put to flight by Black Hawk."[1]

On the 12th of May, Major Stillman began his march, at the head of about two hundred and seventy-five men, in order to search the whereabouts of Black Hawk; he pursued his way up Rock River on the south-east side, until he came on the waters of Sycamore Creek, at a place since called "Stillman's Run," whether applicable to the stream, or the flight of his men, is immaterial; here he encamped for the night, and soon afterward a small party of Indians, some three or four, were discovered approaching the camp, and then at a

[1] Letter of Augustus C. Dodge, *penes me.*

mile's distance from it. A few of Stillman's men mounted their horses, without orders, or commander, and were followed by others in a disorderly manner, stringing along, one after another, to attack the Indians, who were, as it appears, the three spoken of by Black Hawk, who were by him sent to the camp to propose peaceful terms. "These men were made prisoners," says Black Hawk; but according to an American account, they were pursued, after having displayed a *red* flag, overtaken, and slain.[1] Black Hawk was not far distant, with a few of his warriors, and seeing the onward approach of the Illinois volunteers in a determined hostile manner, also having every reason to believe that his men had been slain, and that no further means remained for him than to resist by force of arms, he raised the war-whoop, and in an instant the advancing troop of Stillman's men faced about, and began a most rapid and disorderly flight. They reached the camp in their headlong career, and mortal trepidation, communicating to all, the intelligence that they were pursued by a host of Indians, magnified into from one thousand, to fifteen hundred men; broke through the camp, to which they had so imparted their own fears, that the whole of Stillman's force joined in the panic-stricken flight, and paused not in their retreat, until the whole party reached Dixon. In this affair, eleven of Stillman's men were killed; about thirty or forty Indians pursued them for about ten or twelve miles; but the whole of the camp, and its *materiel*, became the conquest of Black Hawk.

There were unquestionably many brave men and good soldiers in this detachment of Major Stillman, and endeavours were made by the commander, and other officers, to stay the flight of the men; among them were Major Perkins, and Captain Adams, who protected the retreat by falling in the rear and fighting bravely; but the whole party was composed of raw militia, without discipline, a few days only on service, and without confidence in each other, or in their officers, as they had not been together long enough to acquire it;[2] the whole

[1] Ford's History of Illinois, p. 118.

[2] Ford's Illinois.

affair was undoubtedly unfortunate, but it may not altogether have deserved the censure and absolute ridicule which was afterward generally cast upon it.

A council of war was held by General Whiteside in the evening, and the next day the volunteers marched for the scene of the disaster; but the Indians had scattered, before their arrival, and subsequent events showed that a mode of warfare was adopted by them, of attacking by detached parties the white settlements, while the main body should retire to strong holds, and avoid a conflict with any superior force. The dead bodies of our men were buried in a common grave by General Whiteside, and he then returned to Dixon, where General Atkinson arrived on the following day with the regular forces, and supplies of provisions, of which the volunteers stood in much need. At this time, it is believed, that as the army amounted to twenty-four hundred men, if the volunteers would have consented to serve longer, the war might have been ended in a month, by the capture or destruction of all Black Hawk's forces; but the volunteers were anxious to be discharged, and to require service from unwilling men was considered worse than useless; accordingly, they were first marched back to the battle-field in search of the Indians, and then by Paw-paw Grove and Indian Creek to Ottawa, where the whole, at their urgent request, were discharged by Governor Reynolds on the 27th and 28th of May.[1]

After Stillman's defeat, Governor Reynolds sent an express to Colonel Dodge, who was in the neighbourhood, informing him of the fact, and advising him of the dangers hovering over the mineral country; Colonel Dodge returned home, and immediately called on the inhabitants of that part of the country to organize themselves into companies, report themselves to the commanding officer, place their families in forts, block-houses, and stockade posts, and hold themselves in readiness for an immediate call into actual service; these orders and recommendations were promptly attended to throughout the

[1] Ford's Illinois.

whole country which was then settled, south of the Wisconsin River. Fears were well entertained that the Winnebagoes would prove treacherous, if not openly, yet covertly, and give their assistance to Black Hawk; consequently, Colonel Dodge, together with the sub-agent, Mr. Gratiot, held a council with their chiefs at the Four Lakes, May 25th, at which they were called on to avow their sentiments on the existing state of Indian affairs, and also were cautioned as to their future conduct in taking any part with Black Hawk; they made every declaration of friendship to the whites, and promising to remain neutral in the war, they requested papers of protection to be given to them, lest in the conflict they might be mistaken for Sacs.

On the 22d of May, a party of about seventy Indians made an attack on a settlement on Indian Creek, a tributary of the Fox River of the Illinois, and there massacred fifteen persons, men, women, and children, who were assembled at the house of one of the settlers. These persons belonged to the families of Messrs. Hall, Davis, and Pettigrew, and the cause of the attack and murder originated in the fact that a Pottowatamie Indian had been severely beaten some time previously by Mr. Hall, and he had determined on revenge. Hall had been advised of the threats of the Indian, and had left his farm for a short time, but unfortunately had returned to it on the day that the murders were committed. Two of Mr. Hall's daughters were spared from the general slaughter, and carried captive to Black Hawk's camp, then near Lake Koshkonong: here they remained a few days, and then were liberated and given into the charge of some Winnebago chiefs, who had proceeded to the camp of Black Hawk to procure such liberation, by their purchase of them from the Sacs; to effect this, General Atkinson had offered the Winnebagoes a reward of two thousand dollars. The two girls were taken up to the fort at the Blue Mounds, and there delivered to their countrymen on the 3d of June; Colonel Dodge had them sent to their friends in the lower part of Illinois, and the Winnebagoes received their promised reward.

Individual murders were committed by roaming Indians, about the same time. On the 21st of May, one Durley was killed near Buffalo Grove, and his body having been discovered by a party of whites, who were searching for lands on which to settle, they returned to Dixon. On the next day, May 22, the same party, consisting of some seven or eight persons, among whom was Felix St. Vrain, Indian agent for the Sacs and Foxes at Rock Island, again set out. On their way, they buried the body of Durley, and on the following morning they were attacked by a body of Indians, separated in parties, so as to environ them, and prevent escape; in a flight and pursuit, four of the party were killed, St. Vrain, Aaron Hawley, Fowler, and Hale. The others made their escape to Galena.

It is difficult at this day to ascertain with precision the number and names of the persons who were met, singly on the prairies, and killed by the roaming Sacs; a man was killed on Bureau Creek; another on Fox River; two more on the Chicago road, a few miles north-east of Ottawa; a Mr. Winters, near Dixon's Ferry; and a Dunkard preacher, whose singular appearance with his long beard caused his decapitation, as his head was carried off by the Indians as a trophy; he had remained in a deserted house on the Chicago road, where he was killed. On the 6th of June, James Aubrey, an inmate of the family of Colonel Ebenezer Brigham, at the Blue Mounds, was killed at the spring, about a mile and a half from Mound Fort, whither he had gone for water; it has been believed that this murder, as well as that of Lieutenant Force, and one Green, subsequently committed at the same place, was perpetrated by a party of Sacs who had been piloted hither by some treacherous Winnebagoes.

In the mean time, Governor Reynolds had issued orders for raising two thousand additional volunteers to rendezvous at Beardstown and Hennepin; he also had called for a volunteer regiment from among those who had been recently discharged, to remain on duty until the new forces could be assembled; this latter was soon raised, and Jacob Fry was elected colonel, James D. Henry, lieutenant-colonel, and

John Thomas, major; Whiteside, the late commanding general, volunteered as a private. Captain Adam Snyder, of this regiment, was sent to range the country between Rock River and Galena, and was fired upon, in his camp, near Burr Oak Grove, in the night of the 17th of June, by the Indians. The next morning he pursued them, four in number, drove them into a sink-hole, and killed them all, with the loss of one of his own men, mortally wounded. On his return to his camp, bearing the wounded soldier, his men, who were suffering from thirst, were scattered in search of water; they were attacked by about seventy Indians, who had been secretly watching his motions. His men at first attempted a retreat, when Captain Snyder called on his *private*, General Whiteside, to assist him in forming his command. Whiteside, in a loud voice, threatened to shoot the first man who attempted to run, and the ranks were quickly formed. Both parties took position behind trees, and Whiteside, being an excellent marksman, shot the Indian leader with his rifle, from which moment they began to retreat; they were not pursued, and the Indian loss was not ascertained; Snyder lost two men killed and one wounded.[1]

On the 14th of June, the Indians made an attack on a party of seven men who were at work in a cornfield, near the mouth of Spafford's Creek, on the Pecatonica, five of whom they killed, and the two others escaped by their extraordinary activity and exertion. It was on this day that Colonel Dodge had returned home with his volunteers, of Iowa county, from an exploring expedition which he had made to Rock River. On this expedition, Colonel Dodge's volunteers discovered and buried the dead bodies of St. Vrain, Fowler, and Hale; the body of Hawley never was found. Immediately on his return home to Dodge's fort, an express arrived, giving information of the murder of Spafford and four others, at the farm on the Pecatonica.

Colonel Dodge instantly despatched an express to the

[1] Ford's Illinois.

Platte Mounds, for Captain James H. Gentry to collect all the force he was able, and repair forthwith to Hamilton's Fort, at Wiota; this was at midnight, and the next morning Colonel Dodge left his home, accompanied by Thomas Jenkins and John Messersmith, Jun., on their way to Hamilton's settlement. They passed by Mound Fort, (at the Blue Mounds,) and leaving orders there, proceeded on their way, and encamped at night at Fretwell's diggings. On the next morning they had reached Hamilton's Fort within a short distance, when they met a German on horseback, on his way from the fort to his cabin, to prepare himself for active service. Colonel Dodge and his two friends proceeded toward the fort, when, in an instant, firing was heard, and Apple's horse came galloping back bloody, and without his rider. Captain Gentry's men had already arrived at the fort on the preceding evening, and, with their horses, were instantly ready for service; Colonel Dodge led the pursuit, and in a short time the Indian trail was discovered, leading over the prairie.

The trail was followed, and the Indians were overtaken at the banks of the Pecatonica; they were on the opposite side, and concealed under sand-banks and in thickets; but these did not avail them. Colonel Dodge had with him twenty-eight men, seven of whom were detailed to hold the horses; with the remaining twenty-one men, dismounted, their intrepid leader waded the river, and instantly on rising the opposite bank, received the fire of the Indians; without giving them time to reload, an instantaneous charge was made upon them by the volunteers, and the fight became literally hand-to-hand. It was of very short duration, for before it became necessary for the volunteers to charge their pieces a second time, every Indian, seventeen in number, was killed; the loss of the volunteers was three killed and one wounded.[1] This fight may certainly be considered as standing alone in its features, from all other similar combats with Indians; not only from its desperate character, and the shortness of its duration, but

[1] Vide infra. Battle of Pecatonica.

also from its deadly result; the Indians numbered seventeen, the volunteers twenty-one—every Indian was killed, and the time occupied by the fight was scarcely longer than that which has been taken to narrate it.

On the 15th of June, the Illinois volunteers, under the late requisition, had arrived at the places of rendezvous, and were formed into three brigades; the first was commanded by General Alexander Posey, the second by General Milton R. Alexander, and the third by General James D. Henry; the whole volunteer force amounted, at this time, to three thousand two hundred men, besides three companies of rangers, under the command of Major Bogart, left behind to guard the frontier settlements. It was considered necessary to call out this large force, in order to overawe the Pottowatamies and Winnebagoes, who were justly considered as friendly to Black Hawk.

On the 18th of June, the volunteer company under Captain James W. Stephenson, of Galena, being on an exploring expedition, discovered a party of Indians, whom they pursued into a thicket on the prairie; a fire was commenced on them, but the Indians, having every advantage in returning the fire, succeeded in killing and wounding two or three of Captain Stephenson's men, and he ordered a temporary retreat; he soon, however, returned, and ordered a charge to be made into the thicket, which was promptly done, but the thicket was scarcely entered, when the Indians fired from their covert; a second and third attempt was made to dislodge the Indians, but after delivering his own fire, and receiving that of the enemy, Captain Stephenson was obliged to retreat, with the loss of three more of his men killed, and being himself severely wounded.

On the 20th of June, a small party of Indians showed themselves on the prairie, about a mile or two east of Mound Fort, and two of the persons in the fort, Lieutenant Force, and one Green, were induced to mount their horses and go out to reconnoitre; in a short time it was seen by the people in the fort, that Lieutenant Force was surrounded by Indians who had been in ambush, and instantly killed, while Green,

who was making his way back to the fort, was overtaken and killed also ; no attempt was made from the fort to succour, or avenge these unfortunate men. Colonel Dodge, who was then at Fort Union, was apprized of this event, and having assembled a company of his volunteers immediately, he made a night march, on the 24th, passing Mound Fort, and proceeding as far as Sugar River in search of the enemy; but at the latter point, the Indian trail was scattering, and the volunteers returned, having buried the mutilated bodies of Force and Green, on their homeward march.

By the 22d of June, the new forces assembled on the Illinois River were put in motion by General Atkinson, who now assumed the command of the whole, and took up the line of march, moving up Rock River ; Major John Dement, with a battalion of spies attached to the first brigade, was sent forward in advance, while the main army was to follow and concentrate at Dixon.[1]

An attempt was made, on the 24th of June, by a considerable body of warriors, to surprise the Fort at Buffalo Grove, about twelve miles to the northward of Dixon's Ferry. It was guarded by one hundred and fifty militia, who were prepared to meet them, and a considerably sharp contest ensued. Sixteen of the Indians were killed before they retreated. But few of the whites were wounded. The garrison was in great fear of being cut off, having expended all their ammunition before a reinforcement arrived, which had been sent for while the attack was going on.[2]

On the 25th, a pretty severe fight took place between a company of spies, under Major Dement, and a band of Indians, not far from Kellogg's Grove. He had arrived there only the evening before, and being informed that an Indian trail was discovered in the neighbourhood, set off immediately with thirty mounted men, to attack them. He had not proceeded far, before the Indians appeared, and confidently attacked him. The Indian yell so frightened the horses, that

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[1] Ford's Illinois, p. 129.

[2] Drake's Ind. Biog. p. 648.

they were thrown into confusion, and soon began to retreat. The Indians pursued them a considerable distance, and lost nine of their number killed, two of whom were chiefs; others were wounded and carried away. Five of the whites were killed, and they lost about thirty of their horses.[1]

About this time, Black Hawk, with one hundred and fifty warriors, made an attack on Apple River Fort, near the present village of Elizabeth, and about twelve miles distant from Galena; the fort was defended by twenty-five men, commanded by Captain Stone; it was no more than a stockade of logs stuck in the ground, with block-houses at the corners of the quadrangle. It was constructed for the protection of the miners, who lived in their houses in the vicinity during the day, and retired into the fort for protection at night. Three men, on an express from Galena to Dixon, were fired on by the Indians lurking within half a mile of the village; one of them was wounded, but the three got into the fort; the women and children were, as usual in the daytime, abroad in the village; the alarm was heard at the fort in time to rally the scattered inhabitants. The Indians came up within firing distance, and now commenced a struggle between the few men in the fort and a party of the enemy of six times their number. The Indians took possession of the log-houses, knocked holes in the walls, through which to fire at the fort with greater security to themselves, and while some were firing at the fort, others were committing every act of destruction on the property in the houses. The men in the fort were rendered desperate, as they believed that they were contending with an enemy who never made prisoners; the women and children moulded bullets, and loaded the guns of their natural protectors; and in this manner the battle was kept up about fifteen hours, when the Indians retreated. Their loss must have been considerable, although never ascertained; the loss in the fort was one man killed and one wounded. One of the three express men, who first retreated to the fort, immediately

[1] Drake's Ind. Biog. p. 648.

repaired to Galena and gave the alarm. Colonel James M. Strode, who commanded in Galena, lost no time in marching to the assistance of the fort, but before his arrival, the Indians had raised the siege and departed.[1]

Galena itself had not been free from the danger of an irruption of Indians; and although at this time possessing a population of some four hundred inhabitants, it was exposed on all sides to an attack of the enemy. Colonel Strode had taken all prudent measures for its defence; and as a number of the inhabitants, even in this extremity of danger, yielded their assistance unwillingly and grudgingly, and as a number also refused obedience to the militia commander of the regiment, by reason of the conflict of opinions relative to the merits of the different aspirants for office and command, the colonel took the most effectual mode of putting down the effect of all these dissensions and discontents, by declaring martial law. By this measure, the town was converted into a camp, men were forced into the ranks at the point of the bayonet, and a press-warrant from the colonel in the hands of armed men, procured all necessary supplies; the Indian spies seeing no favourable opportunity for attack, no considerable body of Indians ever came nearer the town than Apple Fort.[2]

On the 29th of June, three men were attacked in a field at Sinsinaway Mound, about ten miles northwest of Galena, and two of them were killed. Major Stephenson marched immediately in pursuit of the murderers. On arriving at the Mound, he found the bodies of the two men, John Thompson and James Boxley, both shockingly mutilated. The heart of the former had been taken out, and both were scalped. Having left a few men to bury the dead, Major Stephenson followed the trail of the party to the Mississippi, where he found they had stolen a canoe and effected their escape across the river.[3]

General Atkinson having received information from a Pottowatamie Indian named Wa-pan-seth, that Black Hawk's camp was in the vicinity of the Four Lakes, near the junction

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[1] Ford's Illinois, p. 126. [2] Idem, p. 127. [3] Drake's Ind. Biog. 648.

of a little stream called White Water with Rock River, he immediately pursued his march with a portion of the army to the neighbourhood; but on his arrival at Lake Koshkonong, and in the vicinity of Bark River, which was the locality indicated, he ascertained that Black Hawk had decamped, and so well had his retreat been managed that the direction he had taken was unknown.

Expecting to meet the enemy in a short time, General Atkinson had taken with him a scanty supply of provisions, and it became necessary to procure them from the nearest place of deposit, which was Fort Winnebago; accordingly he waited at Koshkonong until he should be joined by the several detachments of the army under the command of Generals Alexander and Posey, and Colonel Dodge, who had been ordered to march from their several stations and meet him at Koshkonong. General Alexander's brigade joined him there on the 30th of June, and a few days afterward, General Posey's brigade, which had been joined by Colonel Dodge's volunteers at Hamilton's Settlement, (Wiota,) also arrived.

At the time the second requisition of troops was organized, the whole force under General Atkinson has been thus estimated:—Posey and Alexander commanded each a thousand men; Henry took the field with twelve hundred and sixty-two; Colonel Dodge's battalion of volunteers numbered about one hundred and fifty; and the regular force under Major Zachary Taylor amounted to four hundred and fifty; but at this time the volunteer force from Illinois was reduced nearly one half, as the hardships, consequent sickness, dangers,[1] and privations incident to a soldier's life in prosecuting an Indian war, soon produced a strong reaction of feeling in those who had considered the hunting of Indians as a mere pastime, and great numbers had returned to their respective homes perfectly

[1] Their dangers did not always proceed from the enemy; at Koshkonong a sentinel through inadvertence shot, and seriously wounded one of the Illinois volunteers, Charles Dunn, Esq., who afterward became chief justice of Wisconsin Territory.

satisfied with the experience they already had acquired in Indian warfare.

On their march to join General Atkinson at Koshkonong, some dissatisfaction had arisen between Colonel Dodge's command and General Posey's brigade, in consequence of which an exchange was made in such manner that Dodge's battalion became attached to General Alexander's brigade.

Immediately after the junction of the forces at Koshkonong, General Atkinson despatched Generals Henry, Alexander, and Posey, and Colonel Dodge, with about two hundred and fifty men, to Fort Winnebago to obtain supplies; this detachment reached the fort, and having obtained the necessary provisions for the army, Generals Posey and Alexander returned to Koshkonong with the supplies, and General Henry and Colonel Dodge with their separate commands pursued their return route by striking across the country toward Rock River, in the expectation of learning something of the present locality of Black Hawk.

On the arrival of this party at the rapids of Rock River, information was received that the Indian trail had been discovered, and it was immediately pursued by Henry and Dodge, with such rapidity and success, that on their arrival at the Fourth Lake, it became very evident that the enemy was but a few hours in advance of them; and from the appearance of the trail it was also evident that the retreating body was large; therefore every hope was entertained of speedily overtaking Black Hawk, who was rightly conjectured to be making his way to the Wisconsin River.

The pursuing troops hastened on from the northern shore of the Fourth Lake, in the direction to the Wisconsin, occasionally during the day seeing a few straggling Indians; and on the afternoon of the 21st of July, they arrived at the hills which skirt the left bank of the river nearly opposite to the Sauk Prairie. Here indeed was the whole force of Black Hawk, together with his women and children; they were hastening by every effort to cross the river, to escape if possible the approaching conflict with the whites, in which they could

reasonably expect nothing but defeat and destruction; but to cover the retreat of the women, the children, and the aged and infirm, it became necessary that Black Hawk should make a determined stand, which accordingly he did.

The Indians were in the bottom lands under the bluffs, hastening the transporting of their people to an island in the river, when the pursuing whites arrived on the heights. A company of spies was in the advance, and having come upon the Indians very suddenly, on descending the high grounds, they were instantly attacked and driven back on the main body, which had immediately formed on the heights. The battle commenced about five o'clock in the afternoon and closed about sunset; a slight shower of rain had set in, which continued during, and after the battle, so that it was impracticable to follow the Indians through the bottom land, into which they had been driven, and which was covered with high grass, as the arms of the soldiers could not be kept dry. Therefore as it became dark the firing ceased on both sides in a general manner, and the whites lay down in the open air, having no tents with them, and sought rest after undergoing a fatiguing day's march, and achieving a victory in battle at its close.

In this battle of the Wisconsin Heights, Colonel Dodge's command occupied a position that necessarily drew upon it much of the severity of the enemy's fire; it was in the advance, and sustained the first attack of the Indians for some time, until the main body under General Henry came up, when the general line of battle was formed, which in its united action soon obtained a complete victory over Black Hawk's forces. The Indians were supposed to number between five and six hundred; their loss is not accurately known, but it is believed to be about sixty killed, and a great number wounded, many of whom afterward died on the route of Black Hawk to the Mississippi; the loss of the Americans was one killed and eight wounded.

On the morning of the 22d of July, it was discovered that Black Hawk had withdrawn all his forces and his people during the night time, either by descending the river, or by cross-

ing to the northern side of it; expresses were therefore sent to General Atkinson informing him of events, and also to the commandant of Fort Crawford at Prairie du Chien, in order that measures might be taken to intercept the Indians, in case their escape was attempted by way of the Wisconsin. The army then marched to the Blue Mounds, where Colonel Dodge's volunteers, including Captain Stephenson's company from Galena, were for the present dismissed from duty.

In the mean time, General Atkinson broke up his camp at Bark River and hastened on, by way of the Blue Mounds, to Helena on the Wisconsin River; here the volunteers under Colonel Dodge were again assembled, and the whole army crossed the river and found the Indian trail on the north side, under the bluffs; this was pursued until the Mississippi was reached near the mouth of the Bad Axe River, in the evening of the 1st of August. On this route the great number of dead bodies which were found, and the freshly made Indian graves, plainly showed the losses and the sufferings of Black Hawk's people.

Previous to the arrival of the army, the express which had gone down to Fort Crawford, apprizing the commander of the events of the battle of Wisconsin Heights, had induced that officer to take measures to intercept the Indians descending the Wisconsin; in this he succeeded by capturing several canoes, with a number of women and children of Black Hawk's people. Colonel Loomis also despatched a steamboat up the Mississippi, as far as Black River, where a number of canoes were seized, which had doubtless been prepared by the Winnebagoes, to aid Black Hawk in his contemplated retreat across the Mississippi. This steamboat returned to Prairie du Chien, and another (considered more serviceable) was sent up the next day, which arrived at the mouth of Bad Axe River, soon after battle had begun there, and in time to participate in it.

On the evening of the first of August, as the advance of General Atkinson's forces approached the banks of the Mississippi, signs of the Indians were discovered, and some strag-

glers were killed. About two o'clock, on the morning of the second, the line of march was taken up, Colonel Dodge's command forming the advance, supported by the regular troops under Colonel Zachary Taylor. About sunrise, Captain Dickson, who commanded the spy company, reported by one of his men, that he was up with the Indians, and asked for orders. Colonel Dodge sent orders to attack them instantly, and at the same time moved rapidly with his own command. He was immediately supported by Colonel Taylor, with the regulars; the line was then formed, and advanced about a mile to the bluffs of the Mississippi, near the mouth of Bad Axe River; meanwhile Captain Dickson, who was in advance with his spies, seemed, from the firing, to be actively engaged with the enemy. The troops rushed on, the Indians were attacked in front by a fire from the steamboat, and on all sides and in the rear, by an exasperated foe; the endeavours to escape by swimming the Mississippi, made by many women, with their children on their backs, resulted merely in a different kind of death from that which the men were destined to receive; and the battle was soon over, after having become an absolute slaughter on the one side, and a totally hopeless resistance on the other.

This was the closing fight of the Black Hawk War; we have previously stated the occurrences which resulted in the surrender of Black Hawk, as a prisoner of war, and his subsequent history, until the time of his death. For the greater part of the account of the events of this war in the mining country, we are indebted to the testimony of living witnesses, whose statements have been closely followed in the compilation now presented.[1]

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[1] Vide infra. Bracken's, Estes's, Messersmith's, and Beouchard's Accounts.

# CAPTURE OF THE HALLS.

*Narrative of the Massacre, by the Indians, at the house of Mr. Hall, and of the capture, and subsequent restoring of the two daughters of Mr. Hall, during the Black Hawk war.*

In May, 1832, in La Salle county, in the State of Illinois, there was a small settlement upon the Indian Creek, a little stream which enters Fox River about ten miles above Ottaway, and about thirty miles from Hennepin. In that settlement there resided a farmer named Hall, who had once (as alleged by the Indians) beaten an Indian with great severity, and the revenge, which does not ever slumber with them, was about to be inflicted. Mr. Hall had received notice from a Pottowatamie Indian, named Sha-bam-ri, that a party of Sacs were preparing for an expedition of destruction among the whites, and he was advised to flee. He did so, and went to Ottaway, but imprudently returned home shortly afterward, and was massacred about two hours after his arrival.

The following narrative of the massacre, and captivity of Mr. Hall's two daughters, who alone were spared of all the individuals at the farm, has been given by Mrs. Rachel Munson, the eldest daughter, at that time eighteen years old; her sister, Mrs. Horn, the younger daughter, was then sixteen years of age. The narrative has been obtained from Colonel Hamilton, of Chicago, and has been communicated to the public particularly in Brown's History of Illinois.

"On the 21st of May, 1832," says the narrator, Mrs. Munson, "at about four o'clock in the afternoon, as Mr. Pettigrew's and our (Mr. Hall's) family were assembled at the house of Mr. William Davis, in Indian Creek settlement, in

La Salle County, Illinois, a large party of Indians, about seventy in number, were seen crossing Mr. Davis's fence, about eight or ten paces from the house. As they approached, Mr. Pettigrew attempted to shut the door, but was shot down in doing so. The savages then rushed in and massacred every one present, except my sister and myself. The persons massacred were, Mr. Pettigrew, Mrs. Davis, Mrs. Pettigrew, Mrs. Hall, (my mother,) and Miss Davis, a young lady of about fifteen, and six children, four of them boys and two of them girls. These were in the house: Mr. Davis, Mr. Hall, (my father,) William Norris, and Henry George, were massacred without; fifteen in all. The time occupied in the massacre was less, probably, than ten minutes. When the Indians entered, my sister and myself were sitting near the door, sewing. I got immediately upon the bed, and stood there during the massacre. The confusion was such—the terror inspired by the firing of guns in the house—and the shrieks of the wounded and dying so great—that I have no recollection in what manner they were killed. As soon as the massacre was over, three Indians seized and dragged me from the bed, without much violence, and led me into the yard. I was then taken, by two of them, about halfway across the creek—fifty paces, or more perhaps, distant. From thence I was led back into the yard, in front of the house, where I saw my sister for the first time since our separation.

"We were then taken by four Indians—two having hold of each—and hurried off on foot, in a northern direction, as fast as we could run, for about two miles, through timber bordering upon the creek, when we came to a place where the Indians had left their horses previous to the attack. We were then placed, without constraint, upon two of their poorest horses, each of which was led by an Indian, and proceeded as fast as our horses could travel, in a direction, as I supposed, toward the camp, accompanied by about thirty warriors. We continued travelling in this manner until about midnight, when we halted to rest our horses—the Indians exhibiting all the while symptoms of great uneasiness, arising apparently

from their apprehension of being pursued. After resting for about two hours, we started again, on the same horses as before, and travelled, at a brisk gait, the residue of the night, and all next day until about noon, when we halted, and the Indians having scalded some beans, and roasted some acorns, desired us to eat. We ate some of the beans, and tasted of the acorns, not from any disposition we had to eat, but to avoid giving offence to our captors. We remained in this place for one or two hours. The Indians, after having finished their scanty meal, busied themselves in dressing the scalps they had taken, stretching them upon small hoops. Among them I recognised, by the colour of the hair, my own mother's! It produced a kind of faintness, or blindness, and I fell into a swoon, from which I was awakened, shortly thereafter, by a summons to set out upon our journey. We travelled on in the same way, but more leisurely than before, until almost night, when the horse I rode gave out, and I was seated behind an Indian, who rode a fine horse, belonging to Mr. Henderson, taken from the settlement in which we were captured. In this manner we continued on, until about nine o'clock at night, when we reached the camp, having travelled, as I suppose, about ninety miles in twenty-eight hours.

"The Sac camp was on the bank of a small creek, surrounded by low, marshy ground, scattered over with small burr-oak trees. On our arrival, several squaws came to our assistance, took us from our horses, and conducted us into the camp; prepared a place for us to sit down, and presented us some parched corn, some meal, and maple-sugar mixed, and desired us to eat. We did so, more through fear than hunger, and, at their request, threw a small parcel (about a tablespoonful) into the fire, as did also the squaws, and the Indians that accompanied us. There was much apparent rejoicing on our arrival. About ten o'clock, we were invited by the squaws to lie down, which we did, and enjoyed a kind of confused or disordered slumber, which lasted until after sunrise. The next morning, soon after we arose, our fears of

massacre and torture began to abate. We were presented with some boiled beans and sugar for breakfast, and ate a little, having, though almost exhausted, as yet no appetite for food. About ten o'clock, the camp broke up, and we all moved about five miles across the creek, and encamped again on an elevated spot, covered with timber, near a small creek. We travelled each upon a separate horse, heavily laden with provisions, blankets, kettles, and other furniture required in an Indian camp. We arrived at our new encampment a little before sundown. Here a white pole was stuck in the ground, and the scalps taken when we were captured, hung up as trophies. About fifty warriors assembled in the centre, and commenced a dance, in which a few of the squaws participated. They danced around this pole to the music of a drum, and gourds so prepared as to make a rattling noise. I was invited frequently, by the squaws, to join in the dance, but refused. The first dance was had in the morning after our arrival in camp; the same was repeated daily while we continued among them. Soon after we arose, on the first morning after our arrival, some warriors came to our lodge, and took us out, and gave me a red flag, and placed something in the hands of my sister, which I do not recollect, and made us march around through the encampment, passing each wigwam. They then led us to the centre of the spot they had cleared off to prepare for the dance, near where the white pole was stuck up; then, placing a blanket upon the earth, and after painting our faces red and black, ordered us to lie down with our faces toward the ground. They then danced around us with war-clubs, tomahawks, and spears. Before its conclusion, we were taken away by two squaws, who we understood were the wives of Black Hawk.[1] In the evening, as soon as the dance was over, we were presented with a supper, consisting of coffee, fried cakes, boiled corn, and fried

[1] Black Hawk says, in his Life, that he never had but one wife. A mistake might readily have occurred with Miss Hall, in the language used to her.

venison, with fried leeks, of which we ate more freely than before. We continued with them for four days longer, during which we fared in a similar manner, until the two last days, when we got out of flour. When our flour was exhausted, we had coffee, meat, and pounded corn made into soup. On being delivered over to the squaws above mentioned, we were separated from each other, but permitted to visit every day, and remain for about two hours without interruption. These squaws encamped near each other, and we were considered as their children, and treated as such. Our encampments were removed five or six miles each day, and my sister and myself were always permitted to ride at such removals. Our fare was usually better than that of others in our wigwam. Our fears of massacre had now subsided—being received and adopted into the family of a chief. We were not required to perform any labour, but were closely watched to prevent our escape.

"On the fifth day after our arrival at the Sac camp, we were told that we must go with some Winnebago chiefs, who had come for us. At that time the Sac encampment was on a considerable stream, the outlet, as I supposed, of some lake. There were a number of large lakes in its vicinity. The squaws with whom we lived, were apparently distressed at the idea of our leaving them. The Winnebagoes endeavoured to make us understand that they were about to take us to the white people. This, however, we did not believe; but on the contrary, supposed they intended to take us entirely away from our country, friends, and home.

"We left the Sac encampment with four Winnebagoes, the same evening, and travelled about fifteen miles; each of us riding on horseback behind a Winnebago chief—the latter expressing frequently their fears of pursuit by the Sacs, who exhibited great uneasiness at our departure; the Prophet having cut two locks of hair from my head, and one from my sister's, just before we left them.[1]

[1] The Indians' account of this transaction varies a little from Mrs. Mun-

"We reached the Winnebago encampment a little after dark, and were kindly received. It was more comfortable than any we had seen; and we slept sounder and better than before. We rose early next morning; the Indians, however, had been up some time; ate breakfast before sunrise, and started in canoes up the river. There were, I believe, eight in company. We continued on our course until nearly sundown, when we landed and encamped on the bank of the river. There were present about a hundred Winnebago warriors. During the next day, four Sac Indians arrived in camp, dressed in 'white men's clothes,' and desired to talk with us. We were told, however, by the Winnebago chiefs, that we must shut our ears and turn away from them, which we did. The 'Blind,'[1] and his son, left our encampment during the night, and returned early in the morning. Immediately afterward they came to us, and the 'Blind' asked if we thought the whites would hang them if they took us to the fort. We gave them to understand that they would not. They next inquired if we thought the white people would give them any thing for taking us to them. We gave them to understand that they would. The 'Blind' then collected his horses, and with the 'Whirling Thunder,' and about twenty

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son's. The Indians said that a young warrior claimed one of the Misses Hall as his prize, and was unwilling to give her up; that the Winnebagoes, who were at that time on friendly terms with the whites, after using all the arguments they were capable of, had recourse to threats, which, together with ten horses offered for their ransom, finally succeeded. The young warrior, cutting from Miss Hall's head a lock of hair, bore no affinity to a similar act among the whites. It was done in order to preserve a trophy of his warlike exploits. (Brown's History of Illinois.)

General Atkinson had offered a reward to the Winnebagoes, of two thousand dollars for the redemption of the two girls, and their safe conveyance and restoration to the whites. We shall find hereafter that they were so liberated, and delivered to the whites at the Blue Mound Fort, in Wisconsin. Of course, the reward was paid. In the expectation of this reward, the Winnebagoes might well offer the ten horses, in addition to *threats*, for their ransom.

[1] The White Crow, who had lost an eye.

of the Winnebagoes, we crossed the river, and pursued our journey—my sister and myself each on a separate horse. We encamped about dark; rose early next morning, and after a hasty meal of pork and potatoes, (the first we had seen since our captivity,) of which we ate heartily, we travelled on until we reached the fort, the Blue Mounds, Wisconsin Territory. Before our arrival thither, we had become satisfied that our protectors were taking us to our friends, and that we had formerly done them injustice. About three miles from the fort we stopped, and the Indians cooked some venison; after which they took a white handkerchief, which I had, and tying it to a long pole, three Indians proceeded with it to the fort. About a quarter of a mile from thence, we were met by a Frenchman.[1] The Indians formed a ring, and the Frenchman rode into it, and held a talk with our protectors. The latter expressed an unwillingness to give us up, until they could see Mr. Gratiot, the agent.[2] Being informed by the Frenchman that we should be well treated, and that they should see us daily, until Mr. Gratiot's arrival, they delivered us into the Frenchman's care. We repaired immediately to the fort, where the ladies[3] of the garrison (who in the mean time had assembled) received us with the utmost tenderness. We were thereupon attired once more in the costume of our own country, and next day started for Galena. On reaching a little fort at White Oak Springs,[4] we were met by our eldest brother, who, together with a younger one, was at work in a field, near the house, when we were captured—and when the massacre began, fled, and arrived in safety at Dixon's Ferry. On leaving Galena, we went on board the steamboat 'Winnebago,' for St. Louis, which place we reached in five days, and were kindly received by its citizens, and hospitably entertained by Governor Clark. Previous to our leaving Galena,

[1] Edward Beouchard, of Iowa county, Wisconsin.

[2] No doubt to obtain the reward offered for the girls.

[3] Mrs. Messersmith, Mrs. Johnson, of Iowa county, Wisconsin.

[4] Iowa county, now Lafayette county.

we had received an affectionate letter from the Rev. Mr. Horn, of Morgan county, (Illinois,) inviting us to make his house our future home. We accepted the invitation, and left St. Louis in the steamboat 'Caroline,' for Beardstown, on the Illinois River, whither we arrived on the third day thereafter. On landing, we were kindly received by the citizens, and in a few hours reached the residence of Mr. Horn, five miles distant, in the latter part of July, 1832, when our troubles ended."

The Misses Hall's brother having married, and settled in Putnam county, Illinois, about this time, he invited his sisters to come and reside with him; they did so in the forepart of August, 1832. The elder Miss Hall afterward, in March, 1833, married Mr. William Munson, and settled in La Salle county, about twelve miles north of Ottaway. The younger sister, in May, 1833, married Mr. William Horn, a son of the reverend clergyman who had so kindly offered them a home in his family, and removed to Morgan county, in the State of Illinois.

The legislature of Illinois, in 1833, donated a quarter section of land (one hundred and sixty acres) to the Misses Hall, lying in the village of Juliet, Will county. It was sold, we believe, several years since, by them, for a small consideration. The land thus donated, was granted by the United States to the State of Illinois, for the completion of the Illinois and Michigan Canal. Had the legislature given them thrice its value in money, and raised that amount by taxation, it would have done the Legislature some credit, and the people would have cheerfully paid it. By giving, however, what did not belong to them, and thus violating their trust, a different question was presented to the people of that State for their reflection. Congress, also, gave them a considerable donation in money.[1]

The Misses Hall were captured, May 21st, 1832. According to the foregoing account, they were three days in travelling with their captors, and continued five days with the Sacs at

[1] Brown's History of Illinois.

their camp; this would bring the time up to May 29th. They were five days more, in travelling with the Winnebagoes to the Blue Mounds, which comports with all the reliable statements of the time of their being delivered up to the whites, which was June 3d, 1832.

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# BATTLE OF THE PECATONICA.

## REPORT OF GENERAL DODGE TO GENERAL ATKINSON.

FORT UNION, June 18th, 1832.

Brigadier-General ATKINSON:

Dear Sir—On the 14th of this instant, the hostile Indians killed five of our men about six miles below Colonel Hamilton's on the Pecatonica; on the same day I arrived at Fort Union from Gratiot's Grove, where I had communicated your talk to the chiefs Whirling Thunder, Spotted Arm, and the Winnebagoes left at Gratiot's. On receiving intelligence that our men were killed, I ordered Captain Gentry, of the mounted volunteers, to march directly to the place where the men were killed, to bury the dead, and ascertain the number and movements of the enemy. On the 15th I passed by the Blue Mounds Fort, where it had become necessary for me to see the inhabitants, the Indians having killed one man near that place during my absence to Rock River. On the 16th I started from my camp, accompanied by two men, Thomas Jenkins and John Messersmith, Jun., and reached Fort Hamilton at about eight o'clock. Within about four hundred yards of the fort, I met a German on horseback, and stopped about one minute to talk with him. Eleven of the hostile Indians were lying in ambush within one hundred and fifty yards of the spot where I met the German. I passed on, at a long trot, and before I reached the fort, I heard three guns fired, and supposed it was some of Captain Gentry's men shooting at a target. In less than one minute Captain Gentry rode up, on the horse of the German; the

horse had been shot through the top part of his head. I instantly ordered the mounted men under arms, and fortunately for us the Indians had not more than thirty minutes start, after killing, scalping, and butchering the German in a most shocking manner. They retreated through a thicket of undergrowth almost impassable for horsemen; they scattered to prevent our trailing them. Finding we had open prairie around the thicket, I despatched part of my men to look for the trail of the Indians in the open ground, while I formed as large a front as possible to strike the trail, which we soon found in the open ground. In running our horses about two miles, we saw them about half a mile ahead, trotting along at their ease; they were making for the low ground, where it would be difficult for us to pursue them on horseback. Two of the small streams we had to cross, had such steep banks as to oblige us to dismount and jump our horses down the banks, and to force our way over them the best way we could. This delay again gave the Indians the start, but my horses being good, and men eager in the pursuit, I gained on them rapidly. They were directing their course to a bend of the Pecatonica, covered with a deep swamp, which they reached before I could cross that stream, owing to the steepness of the banks, and the depth of the water. After crossing the Pecatonica, in the open ground, I dismounted my command, linked my horses, and left four men in charge of them, and sent four men in different directions to watch the movements of the Indians, if they should attempt to swim the Pecatonica; they were placed on high points that would give them a complete view of the enemy, should they attempt to retreat. I formed my men on foot at open order, and at trailed arms, and we proceeded through the swamp to some timber and undergrowth, where I expected to find the enemy. When I found their trail, I knew they were close at hand; they had got close to the edge of the lake, where the bank was about six feet high, which was a complete breastwork for them. They commenced the fire, when three of my men fell, two dangerously wounded, one severely but not dangerously. I instantly ordered a charge on them, made

by eighteen men, which was promptly obeyed; the Indians being under the bank, our guns were brought within ten or fifteen feet of them before we could fire on them. Their party consisted of thirteen men; eleven were killed on the spot, and the remaining two were killed in crossing the lake, so that they were left without one to carry the news to their friends. The volunteers under my command behaved with great gallantry; it would be impossible for me to discriminate among them; at the word "charge," the men rushed forward and literally shot the Indians to pieces. We were, Indians and whites, on a piece of ground not to exceed sixty feet square.

A part of the scalps was given to the Sioux and Menomonies, as well as the Winnebagoes. Colonel Hamilton had arrived with these Indians about one hour after our defeating the hostile Sauks. The friendly Indians appeared delighted with the scalps; they went to the ground where the Indians were killed, and cut them literally to pieces. On the 17th, early in the morning, Mr. Gratiot and myself had a talk with Wakon-De-cor-ra of the Wisconsin. You will recollect that General Street in his letter to me, which I left with you, states that De-cor-ra had agreed to raise the hatchet against the Sauks, and that he would watch their movements in the direction of the head of Rock River. He had not proceeded up the Wisconsin higher than opposite the East Blue Mound, which is about fifty-five miles below Fort Winnebago, and invited De-cor-ra to go to Colonel Hamilton's and see Mr. Gratiot, and the woman, their interpreter, and where I would communicate your talk to them. De-cor-ra and his band arrived at Colonel Hamilton's in time to see the man killed by the Sauks on the road. The next morning Gratiot and myself, in the presence of Colonel Hamilton, Mr. Marsh, and others, communicated your talk to De-cor-ra and the Wisconsin Indians. Gratiot and myself considered the Winnebagoes from Prairie la Crosse entirely under the direction of Colonel Hamilton, and that we had nothing to do with them. After hearing your talk, De-cor-ra stated "that his people would unite with us to fight the Sauks; that they were pleased that

we had killed up a party of them; that when he left home he was not prepared for a long trip; that he wished to return to the Wisconsin, for the purpose of getting as many as possible to join him; that the Sauks had killed his daughter, and that he would join the whites in killing them up; that he wanted new mocassins for his men, and had some preparations to make; that he would be ready before the whites to take the field; that the principal men would meet Gratiot and myself at my house and have a perfect understanding, in a few days, with us." He prepared to start, when it was discovered that the Winnebagoes from Prairie la Crosse were determined to follow him. The Sioux appeared discontented, and said they would go; they told Mr. Marsh in my presence, "that he had hurried them from their homes; that there was no provision made for their families; that their mocassins were worn out; that he had told them that they were to be used merely for spies and flankers; that they were not to be put to hard fighting." Marsh told them their families would be provided for by General Street; that he had promised to do so, and that he would not disappoint them; that they should have new mocassins; that they should be used as spies, and told them we could kill the Sauks—we wanted them to assist us in finding them. It appeared that they were determined to go, and about seventy or eighty of them accompanied the Winnebagoes.

I was extremely anxious to retain them; they would have acted as spies, and would have kept the enemy in a state of check, while we were recruiting our horses for the expedition. Whether the Indians will return or not, I am at a loss to say; the Winnebagoes make solemn promises, I hope they will not deceive us; we are doing every thing in our power to conciliate them. De-cor-ra says the whole of the Rock River Indians are over the Wisconsin; that they have left the Sauks the entire possession of the country; that they are now high up the Rock River, where there is but little for them to live on, and they must perish for want. This I can not believe; I have been told there is fish in great abundance, upon which alone they can no doubt subsist. Gratiot and myself have sent

Whirling Thunder and the Spotted Arm, and the other young men who accompanied them, with a confidential man by the name of Emile, a Frenchman who has traded for many years with them; he was directed to proceed on, and ascertain if possible where the Sauks were encamped, and return as early as possible. If the Winnebagoes have all left the country it will be difficult for him to get information on this important subject; the Winnebagoes must know where the Sauks are, and I will endeavour to ascertain that fact (if possible) and communicate to you all the information I may be able to procure on that subject.

If you could spare about three companies of mounted men to assist us in the protection of the frontier, it would render us a very important service at this moment; the horses I have had in service one month, want recruiting to prepare them for the expedition; the grazing is good and they would recruit much in six or eight days.

The importance of the subjects connected with this communication must make my apology to you for its length.

I am, dear general, with sentiments of regard and esteem,

Your friend and obedient servant,

H. Dodge.

Brigadier-General Atkinson.

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## BATTLE OF THE PECATONICA.

The following communication is from Charles Bracken, Esq., of Walnut Grove, Lafayette county, Wisconsin:—

Walnut Grove, October 3d, 1852.

To General William R. Smith, State Historian:

Dear Sir—In accordance with my promise, I now transmit you an account of the murder of Spafford and others, during the Black Hawk War, together with the details of the

battle of the Pecatonica, fought on the 16th of June, 1832, at the Horse Shoe Bend, on that stream, and on Section No. 11, Town No. 2, Range No. 5, in this county.

Very respectfully, your obed't. serv't.,

CHARLES BRACKEN.

About sundown on the 14th of June, 1832, a horseman without a hat, "bloody with spurring," was seen approaching Fort Defiance, a stockade post situated on Section No. 20, Town No. 4 North, Range No. 3 East, commanded by Captain Robert C. Hoard. The rider was David Gilbert; he communicated the melancholy information, that, on that day, Spafford, Spencer, Bennett Million, McIlwaine, and an Englishman called John Bull, had been surprised by the Indians while at work in a cornfield on a farm owned by Spafford and Spencer, situated on the main Pecatonica, about six miles south-east of Fort Hamilton, (now Wiota,) and that all the party had been murdered except Million, who had by his fleetness of foot made his escape.

Captain Hoard at once despatched an express, communicating the information to General Dodge, at Dodgeville, and I, being second in command, was ordered to repair to the scene of the murder, together with eleven men, being all that could be mounted on horseback. Arriving at Fort Hamilton late at night, we halted at that post until morning, when, accompanied by Million and some others from that place, making a party of about twenty men, we proceeded to Spafford's field. On our arrival there, the first object that presented itself was the headless body of Spafford, who had died facing his foes. Cool as he was brave, he must at once have seen from the number and position of his enemies, that flight was useless. Seizing his rifle, he calmly awaited their approach, and his unerring aim sent one of his foes to eternity before him; then, like the lion at bay, he died covered with a hundred wounds!

While the Indians were thus partially checked by Spafford, the others fled, under cover of a ravine, which appears to have

been an ancient bed of the Pecatonica, to the river. On reaching the shore, McIlwaine and John Bull attempted to escape across it, and were shot in the water; their bodies were taken out of the river by us; they had been scalped and barbarously mutilated. Mr. Million stated that on reaching the shore, he and Spencer turned down the river, keeping under its bank; that they had got some three hundred yards before they were perceived by the Indians, who were for an instant engaged in despatching McIlwaine and John Bull. On seeing them, the Indians raised the war-whoop, and commenced the pursuit. Spencer continued on, down the river bank; Million plunged into the stream, which was about fifty yards wide at that point, and never raised his head above water until he struck the opposite shore. Young, brave, cool, and active, and flying for life, it would appear almost incredible, that, with his breath exhausted by diving across the river, and his clothes saturated with water, he should spring at one bound from the slippery shore to the top of a perpendicular bank fully twelve feet high; yet from his footprints it was evident that he did so. Gaining the bank unharmed amid a shower of balls, he continued his flight pursued by the Indians, who, after a hot chase of about five miles, gave up the pursuit.

It appeared that Spencer was pursued by two Indians, one of whom was mounted on the horse with which Spafford's party had been ploughing their corn, and was far in advance of the other; having his gun, which he had snatched up in his flight, Spencer turned, and shot the mounted Indian, which enabled him to escape by secreting himself in a thicket.

On the day of the battle of the Pecatonica, Spencer ventured to approach the fort, and saw from a distance that it was surrounded by Indians. These were the friendly Sioux and Menominees who had arrived on that day, after the battle, and who were yelling and pow-wowing over the scalps which we had taken. Supposing these Indians to be foes who had captured the fort, and murdered all within it, he was horror-struck, and fled some six or seven miles to a house, where he found some provision, and secreted himself under a hog-pen,

where he was found some ten days afterward. Within a year he became deranged and wandered off, no one knew whither.

Having performed the melancholy duty of burying the dead, we returned to the fort, (Hamilton's,) where we found Captain Gentry and Lieutenants Bequette and Porter, with a few men. At a council held that evening, it was agreed, that if General Dodge did not arrive at the fort by eight o'clock the next morning, the officers and men who were present would take the trail and pursue the Indians.

The names of ten of the eleven men who left Fort Defiance with me, are, Daniel M. Parkinson, Peter Parkinson, Jun., Matthew G. Fitch, Dominick McGraw, Samuel Black, Thomas H. Price, Benjamin Lawhead, —— Van Wagner, —— Leech, and —— McConnell; the other was a young man from Tennessee, whose name is not recollected. The following, according to my recollection, are the events of the next day.

## BATTLE OF THE PECATONICA.

On receiving the express at Dodgeville, General Dodge, accompanied by Thomas Jenkins and John Messersmith, Jun., started for Fort Hamilton by the way of the Blue Mounds, where a company of men was stationed, whose horses were fresh, and fit for service. Leaving orders for them to follow, he continued on his route by the way of "Fretwell's diggings." Having out-ridden Jenkins and Messersmith, he was approaching the fort alone, just after sunrise. On arriving at Hamilton's farm, about one mile from the fort, he left the wagon road, and turned into a pathway, which shortened the distance. On regaining the road, he met Apple, (a German,) who proposed to accompany us on our scout, and was going to his cabin to procure a blanket for the expedition;) after making a few inquiries of him, the general continued on to the fort.

Apple had not proceeded more than one hundred yards from where he had met General Dodge, when he fell into an ambuscade, and was literally shot to pieces. It afterward ap-

peared that the Indians had first ambushed the pathway, but seeing our men on the prairie south of the road, looking for their horses, and that the travelling was on the wagon-road, they removed to it. Had the general arrived half an hour earlier, by the pathway, or had he kept round by the wagon-road, he must have been the victim of the ambuscade instead of the unfortunate Apple.

Almost simultaneously with the general, the horse of Apple reached the fort, with the saddle bloody, and a bullet-hole through his ear. All were ready ! the order was given to mount, and in less than ten minutes we were formed in line near the dead body of the murdered man.

The Indians in their retreat appeared to disperse in every direction through a thicket which lay north of the road, and which was composed of a thick growth of vines and bushes, principally prickly ash; through this we advanced in line, until a very intelligent dog owned by R. H. Kirkpatrick, struck the trail on the extreme left. We then advanced in single file, following the trail, the left in front, until we reached the open timber; here the trail was well defined, and the pursuit was then pell-mell, the general taking the lead. The trail struck the prairie on a branch running east from William Burritt's, and continued down it, crossing and re-crossing it two or three times. On our advancing into the thicket, I was the extreme right-hand man of the party; as the left discovered the trail and advanced along it, I was thereby thrown in the rear. On emerging from the thicket into the open woods, being well mounted on a fleet and sure-footed horse, I gave him the spur freely until I came in sight of the Indians, with the general close in their rear, and not more than five men with him. At the same time, I overtook a youth aged about eighteen, named Samuel Black, who lived in my family; he said that his mare, a fine active animal, had fallen with him on the smooth prairie, and that it was a sign he would be killed in the coming battle; I suggested, as the cause, that the animal had stepped into a badger-hole; he said she had not, for he had examined the ground. I then advised

him to go back, as there were enough of us to whip the Indians without him; he said, "I will die first!" The omen proved too true: he fell mortally wounded, at the first fire we received on entering the thicket. I make this digression to pay a just tribute to the memory of one of the bravest youths that ever fell in battle.

The Indians recrossed the branch at a point where it turned abruptly to the north, and ascended the hill; the general, and those with him, crossed after them, and bore to the right, toward some timber, as if to cut them off from it. Seeing this movement, I halted, and was at the same time joined by Fitch, Higgenbotham, and Deva; I said to them, "That movement of the general will turn the Indians to the left: if you will follow me, we will get the first scalps." They agreed to do so; turning up a hollow to the left, we ascended it to the ridge overlooking the East Pecatonica; turning then to the right, and looking down a hollow parallel to that which we had ascended, my surmise proved to be correct. There were the Indians approaching us; they were moving at what might be called common time. Their chief, a gray-headed warrior, was walking backward, and appeared to be earnestly addressing his young men. After observing them for a few moments, we fired, but I think without effect. My comrades, after discharging their guns, retreated down the hollow which we had ascended, and I turned westwardly up the ridge overlooking the East Pecatonica, keeping out of gun-shot, but watching the enemy closely. They descended the hill to the creek, turned up it, a short distance, and commenced crossing at some willows, a short distance below where the bridge now stands.

At this movement I advanced within gun-shot: with the report of my gun, I sent forth a shout that told the general, and my comrades yet in the rear, that I had secured the first scalp; at the same time I received the fire of the Indians without injury.

The general and the principal part of our own men having come up by the time the Indians had fairly crossed the creek,

a running fight took place, the enemy being on one side of the creek and we on the other, until they reached the thicket in the bend of the creek. Having effected a crossing at the old Indian ford which is near Williams's Mill, and marching thence up the stream, we formed on the open ground to the northeast of the thicket, so as to have the enemy in the bend of the creek. Parties were then, by orders of the general, thrown out on the hills to give the alarm, if the Indians should attempt to escape from the thicket when we entered it.

The men were then told off in sections of seven, number *four* remaining on horseback, and holding the horses of the rest of the section, whose bridles were linked together. When dismounted and formed in front of the horses, our numbers were twenty-one men, together with the general; they were, General Henry Dodge, commanding; Lieutenants Charles Bracken, Pascal Bequette, and —— Porter; Surgeon Allen Hill, doing duty as a private soldier; Privates, Peter Parkinson, Jun., Dominick McGraw, Samuel Black, Alexander Higginbotham, Benjamin Lawhead, Levin Leach, R. H. Kirkpatrick, Asa Duncan, William Carns, John Hood, Thomas Jenkins, John Messersmith, Jun., Samuel Patrick, —— Morris, —— Wells, —— Rankin, and Van Wagner. We were then ordered to renew our flints, reprime our guns, unbutton our shirt-collars, and tighten our belts. All being ready, the general then addressed us: he said, "Within that thicket are the foe, whose hands are yet reeking with the blood of our murdered friends! That it was his intention to enter it, and in doing so, some of us must fall; that it might be his own fate; but that his mind was made up to whip the enemy or die in the attempt! If any feared to follow him, he wanted them to fall back then, and not when they encountered the Indians." The word was then given to advance, and in that little band no one was found who did not fear dishonour more than death! No one faltered or wavered, as with a coolness becoming veterans they followed the footsteps of their gallant leader, resolved with him to conquer or die.

After advancing some distance into the thicket, the trail of

the enemy was found; here the detachment was joined by Daniel M. Parkinson, who was on horseback. The centre was ordered to keep the trail; we then continued our advance slowly but firmly toward our hidden foe. The Indians had selected a most advantageous position for defence, had we fought them at long shot; it was the bank of a pond, once the bed of the creek; on the edge of the bank was a natural breastwork nearly three feet high, formed by one of those tumuli so numerous in our prairies; under this they awaited our approach.

When they fired on us, our positions represented two sides of a triangle, they forming the base, and we the hypothenuse; although we were close upon them, so dense was the thicket that we could not see the smoke of their guns. The general, who was on the right of the centre, and in front of the line, exclaimed, "Where are the Indians?" He was answered from the left, "This way." The order was then promptly given, "Charge 'em boys, damn them, charge 'em!" My position was on the extreme right; in the charge we obliqued considerably to the left; when I got to the pond I found no enemy before me, and at the same moment I heard the general, who was a little to my left, say, "There's an Indian, kill him!" I turned toward him and heard a shot; as I came up, the general said "There, by God, I've killed him myself!" This was the Indian commander.

Passing on to the left, I mounted the natural embankment, and found myself in the midst of the Indians; after discharging my gun, I turned the breech and struck at a warrior I saw lying under the bank before me, but seeing another very industriously snapping his piece at me, I fell back to reload. As soon as my gun was charged I advanced, with the brave but unfortunate Wells on my left, and William Carns of Dodgeville, on my right. On coming hand to hand with the Indians, Wells fell mortally wounded; Carns first shot and then bayoneted the warrior that killed Wells, and I put another in a condition to take his scalp. At the same time the only surviving Indian attempted to save himself by flight; he plunged

into the pond, and was shot as he got out of the water on the opposite side.

Thus ended the battle: the enemy were completely exterminated; not one was left to tell Black Hawk, his chief, and warriors, how "Old Hairy-face" (the Indian name for General Dodge) and his warriors fought. Our trophies were seventeen scalps; our loss three men, Black, Wells, and Morris, mortally, and Thomas Jenkins severely wounded.

The annals of border warfare furnishes no parallel to this battle; never before was an entire war-party exterminated with so small a loss on the part of the whites, when the numbers engaged were so nearly equal. Although on our advance into the thicket, we outnumbered the Indians some five men, yet the advantage of their position, and our having to receive their fire, equalized our numbers.

None of us, from the general down, had ever heard a hostile gun, or burned powder at a foe; the men had been promiscuously assembled, and were untrained soldiers; they proved, however, by their gallant conduct, that American volunteers, when individually brave, will collectively follow to their death a brave and determined leader in whom they have confidence.

There were individual acts of devotion and desperate bravery performed, which ought to have immortalized the actors. Our surgeon, Dr. Allen Hill, fell into the line, and did duty as a private soldier. When the sections were told off, his lot fell number *four*, a horse-holder; number five in the same section was a sickly-looking youth named Townsend, about seventeen years of age; the doctor exchanged places with him, remarking that he thought he was better able to perform a soldier's duty in the coming fight than *he* was.

In the charge, Levin Leach encountered a warrior armed with a spear; parrying the thrust of the Indian with his bayonet, he dropped his gun, sprang on him, wrenched his spear from him, and with it, ran him through the body.

The death of the brave but unfortunate Wells would have been a theme for the song of the minstrel, had it occurred in

the days of chivalry. Like hundreds of other young and adventurous spirits in that day, he came to the lead-mines in pursuit of fortune. When the war broke out he was among the first to take up arms, and fell as I have stated, bravely advancing on the enemy. While lying on the battle-ground, with his head in the lap of a comrade, who was assuaging the burning thirst caused by his wound, the surgeon examined it and told him he must die. On hearing this, he expressed a wish to see the general. On his coming to him, he said, "General, have I behaved like a soldier?" The reply was, "Yes, Wells, like a brave one!" Looking up to his comrade, he said, "Send that word to my old father." He further told that comrade, that he was engaged to be married to a young lady in Pike county, Illinois. He gave her name, and requested that she might be informed of the place and manner of his death, and that he died with his last thoughts upon her.

Some difference of opinion has arisen among the survivors of the events of that day, as to the number of Indians killed in the battle. I allege that seventeen scalps were taken, of which, by common consent the general awarded me two. I state on good authority, that in the fall of the year after the war, when the annual firing of the prairie took place, and the woods and grass were destroyed, the bones of *fifteen* Indians were found at the pond where the battle took place; those of another, between that place and the point where they crossed the creek; and those of another at the crossing of the creek, which I allege to have killed: a party of Menominee and Sioux Indians under the command of Colonels Hamilton and Marsh had arrived at the fort, a short time after we had commenced the pursuit. These Indians taking our trail found and scalped the two latter, and fell in with the detachment, as we were returning with our wounded to the fort. Even at this late day, if search were made, I am of the opinion that the bones of seventeen Indians could be yet found bleaching on the battle-ground, and between it and where the Indians crossed the Pecatonica; among them, the bones of the Indian I killed

at the spot where they crossed. The shout I sent forth when I fired, was, "That's my hair," a cant expression then in vogue to denote a scalp.

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## BEOUCHARD'S NARRATIVE.

*Narrative of Events in the Black Hawk War. By Edward Beouchard, of Mineral Point, Wisconsin.—Related to the Compiler.*

On the 10th of May, 1832, the settlers in the vicinity of the Blue Mounds commenced building the Mound Fort; they were about two weeks at work on it, at intervals, before it was completed. The buildings consisted of two block-houses, each about twenty feet square, and a log-building in the centre, about thirty feet by twenty feet large, for a store-house and barrack. The whole was inclosed by a picket-fence, of about one hundred and fifty feet on each of the four sides; the pickets were of stout oak, about sixteen or seventeen feet high, planted about three feet in the ground. The fort was situate on the highest part of the open prairie, about a mile south of the Eastern Mound, commanding an extensive view of the open country for many miles, in front, rear, and to the south; the mound bounded the view to the north.

James Aubrey had the first command of the men who had assembled at the fort; Edward Beouchard was his first lieutenant, and after Aubrey's death, he succeeded to the command, which he held until he received the appointment of sub-agent, under Colonel Henry Gratiot, which was on the 14th of June, when he resigned, and Captain John Sherman succeeded him. Aubrey was killed by the Indians, 6th of June.

At this time, there were in the fort the families of all the settlers in the neighbourhood; no one knew how long they would be free from an attack; when Force and Green were afterward killed, it was well known that three Winnebagoes piloted the Sauks to the Mound Fort.

On the 15th of June, the day after Beouchard received his appointment, he left Mound Fort, accompanied by forty-nine Winnebagoes, for Hamilton's Fort; they encamped that night near and above Fretwell's diggings; during the night, Beouchard's horse strayed away from him. The next morning, the company proceeded toward Hamilton's Fort, and when they arrived near it, they found the dead body of Apple in the road; they met Colonel Gratiot at the gate of the fort, who ordered them to go in chase of the Indians who had killed Apple. At this time the Indians, Sioux and Menominees, who had come from the Mississippi, under the direction of Messrs. Hamilton and Marsh, had already arrived at the fort that morning.

Beouchard, being remounted, started with his Winnebagoes in pursuit of the Sauk enemies, and, having outrode his Indians, he came up with the party under General Dodge at the Pecatonica, just as the firing on the part of the Sauks commenced; he had observed the four men stationed by General Dodge as videttes on the hills; the Winnebagoes did not come up until the battle was over. After the battle, eleven Indians were found dead on the ground; two more, who were wounded, had got up the river-bank, and were tracked and finally scalped by the Winnebagoes; Colonel Hamilton, some time afterward, found the body of another, after the prairie fires had passed over him; and late in the succeeding winter, a French trapper found three more, in the swamp near the battle-ground, beneath brush-wood, under which they had crawled when wounded. The whole number thus accounted for, of the Sauks who fell in this fight, was seventeen; at a subsequent period, when at Rock Island, after the termination of the war, Beouchard understood from some of the Sauks, that Black Hawk had often spoken of a band of seventeen of his braves, of whom he had never received any intelligence, and he knew not what had become of them. At the same time, Beouchard learned from some of the Sauks, that Black Hawk lost eighty-two men at the battle of the Wisconsin Heights,

and subsequently, as thirteen died on their way to the mouth of the Bad Axe.

Beouchard names the following persons, according to his recollection, who were in the battle of the Pecatonica, and stationed as outposts around the battle-ground:—General Dodge, Messrs. Bracken, Gentry, Daniel Parkinson, Peter Parkinson, Jun., Woodbridge, Becquette, Messersmith, Jun., Leach, Jenkins, Kerns, Hill, Hood, Devies, Fitch, Higginbotham, Duncan, Kirkpatrick, Van Wagner, Lawhead, Beouchard; and Black, Morris, and Wells, the three who were killed.

The battle was fought on the 16th of June. On the next day, Beouchard returned with General Dodge to his fort, near Dodgeville, which they reached in the morning, and he was ordered by General Dodge to proceed immediately to the Blue Mounds, and thence to start to the Wisconsin River, and collect all the Winnebagoes he could, and bring them to the Blue Mound Fort; to this latter place he went the same day.

On the 18th, Beouchard went to his encampment of the 15th, where his horse had strayed from him, and procured his saddle, which he had then left there; on the 19th, it rained hard, and he postponed his journey to the Wisconsin River; on the 20th, he had his horse saddled, and his baggage all strapped on, when Lieutenant George Force, and —— Green got on their horses, and rode out from the fort to reconnoitre, as the people had become much alarmed there, ever since the death of Captain Aubrey.

As Beouchard was about mounting his horse, a sudden yelling of Indians was heard, together with the discharge of firearms. On looking eastward over the prairie, Green was observed riding toward the fort, while several Indians were seen skirting the timber to the north, and endeavouring to cut him off, by getting between him and the fort. Beouchard immediately stripped the baggage off his horse, seized his rifle, and rode out of the fort to assist Green; but in the mean time, the shots of the Indians having broke one of the legs of Green's horse, he was soon surrounded and killed. When Beouchard got on the ridge of the prairie, he saw some ten

or fifteen Indians about Green's body; he then went no farther, as no other person came out of the fort with him.

The following persons were at this time in the fort:—Messrs. Ebenezer Brigham, Esau Johnson, John C. Kellogg, Jonathan Farrell, Thomas McCraney, Daniel Evans, Henry Starr, Samuel Davis, Jefferson Smith, Captain John Sherman, —— Hollingsworth, —— Woodworth, —— Kirkendale, —— Fletcher, two brothers named Collins, two brothers named Howton; Mrs. Aubrey, Mrs. Johnson, Mrs. Green, Mrs. Kellogg, Mrs. Farrell, Mrs. McCraney, Mrs. Woodworth, and some young children.

When the Indians saw Beouchard, they left the body of Green, no doubt believing that they would be pursued by the people in the fort; Beouchard returned to the fort, and solicited some help to bury the body, but did not succeed. Mrs. Green, almost distracted, begged him, in the midst of her grief and lamentations, to bring in the body of her husband. Beouchard was prevailed on, as much by his own feelings of humanity as by the tears and prayers of the unfortunate woman, and he said, "he would bring the body to the fort, or die!" He went out alone, and found the body of poor Green, most barbarously mutilated; both legs were cut off at the knee; the right arm at the elbow, and the left arm at the shoulder, were also cut off; his head was completely severed from the body, and the scalp had been stripped off; a cut had been made across the abdomen, and thence on each side another cut, up to the arm-pits; the whole of the breast was then turned up, over the neck, and the heart was taken out. Beouchard took his saddle-blanket, and having gathered the remains of the unfortunate Green, he put them all in the blanket, and on his horse, and brought them to the fort. On his way back, he met Pleasants Ewing and Bill Pate, who lived at James Morrison's place; they turned back with him to the fort. The remains of Green were then put in order, in as decent a manner as practicable, and the head fastened on with a handkerchief, so that the feelings of the unhappy widow might be spared as much as possible, when she was

permitted to see the body of her husband; the mutilated parts were then all wrapped in a sheet together, the sheet sewed up, and the whole buried at the Mound Fort.

Beouchard then went, with the news, to Governor Dodge, who countermanded the orders for him to go to the Wisconsin River; he returned, on the same day, to the Blue Mounds, accompanied by Edward James, who was afterward United States marshal for Wisconsin Territory.

On the 24th of June, General Dodge arrived at Mound Fort, with Captain James H. Gentry, and a part of his company, and some of the Platteville volunteers, for the purpose of reconnoitring the country. They found the body of Lieutenant Force, and buried it on the side of the old military road, under a tree, about two miles east of the Blue Mounds; the body had been cruelly mutilated, and a part had been carried away by the Sauks, doubtless for the purpose of a cannibal feast. General Dodge, and company, piloted by Beouchard, pursued the trail of the Indians as far as the head-springs of Sugar River, and finding that they had scattered at this point, they returned to Mound Fort.

It was some time about the last of May, that an express came to the fort, with a letter from General Atkinson to Colonel H. Gratiot, endorsed, "On public service." The great anxiety of the people in the fort induced them to advise and urge Beouchard (who had some authority under Colonel Gratiot, who was Indian agent for the Winnebagoes) to open the letter. He did so, and found that it contained orders for Gratiot to obtain the release of the two girls, Misses Hall, who had been captured at the massacre on Fox River, at all hazards, and at any price, offering a reward of five hundred dollars for each of the girls, to be increased to one thousand dollars, if necessary. The letter was then resealed, and sent by express to Colonel Gratiot. Beouchard immediately mounted his horse, and rode to the Winnebago encampment, which was situate on the north-eastern part of the Blue Mounds, back of the present residence of Colonel Ebenezer Brigham. The principal chief of this band was Wa-kon-kah; Beouchard requested him to

go to the White Crow, (called the One-eyed, the Blind,) Whirling Thunder, and the Spotted Arm, to inform them of all matters in relation to the capture and detention of the two girls, and of the reward that had been offered for them by General Atkinson; told them that they must get the girls at all risks, and by force, if necessary. The Winnebagoes gave consent to the attempt, and Beouchard assured them of the certainty of their reward, in case of success.

On the third day after that, three Indians came to the fort at the Mounds, and said the girls were coming. Beouchard got on his horse and rode to the hill near Sugar Creek, about eight miles east of the Blue Mounds, near where the animal-shaped mounds lie on the prairie. Here he met the girls in care of the White Crow, or the Blind, Whirling Thunder, and the Spotted Arm, and about twenty other Indians with them. They all went together to the fort, and when they came within half a mile of it, they were met by the ladies, Mrs. Johnson, Mrs. Messersmith, Mrs. Green, Mrs. McCraney, Mrs. Farrell, Mrs. Kellogg, &c. &c. The girls were soon carefully attended to, and all their wants supplied by kind-hearted women; they were in a truly destitute condition, especially as respected their clothing. In about an hour afterward, General Dodge came to the fort with a company of men, and took the girls away the next day. The Winnebago chiefs received the reward of two thousand dollars for the restoration of the girls.

# EVENTS OF THE BLACK HAWK WAR.

*Personal Narrative of Lieutenant Charles Bracken, of Lafayette County. Related to the Compiler by Colonel Bracken, May*, 1854.

In May, 1832, on the return of Colonel Henry Dodge from an expedition to Rock River, in order to ascertain the movements of Black Hawk, he gave notice to the citizens of the mining region to *fort*, and organize themselves for defence. Colonel Dodge was the senior officer in command of the militia in this part of the Territory of Michigan.

At this time, and during the continuance of the Black Hawk war, the forts, block-houses, and stockades erected in the mining country, were designated as follows:—

Fort Union . . . . . Head Quarters. Colonel Dodge's residence, near Dodgeville.

Fort Defiance . . . . . At the farm of Daniel M. Parkinson, about five miles south-east of Mineral Point.

Fort Jackson . . . . . At Mineral Point.

Fort Hamilton . . . . . At Hamilton's lead diggings, now Wiota.

Mound Fort . . . . . On the high prairie, about a mile and a half south of the residence of Ebenezer Brigham, at Blue Mounds.

Parish's Fort . . . . . At the farm of Thomas J. Parrish, now Wingville.

De Seelhorst's Fort . . . At the farm of Justus De Seelhorst, at the south-western extremity of Elk Grove.
Fort. . . . . At Platteville.
Fort. . . . . At Cassville, on the Mississippi.
Fort. . . . . At White Oak Springs.
Fort. . . . . At Old Shullsburg.
Fort. . . . . At Gratiot's Grove.
Fort. . . . . At John B. Terry's farm, Diamond Grove.

About the last of May, Captain Sherman, who commanded at Mound Fort, sent information to Colonel Dodge that the Indians were about to attack the fort; Colonel Dodge communicated this to the different stockade posts, and in two or three days time, some two hundred mounted volunteers were collected from the several forts, and assembled at Fort Union. From this place, Colonel Dodge's residence, and head-quarters, the party marched to Mound Fort.

When within two or three miles of the Blue Mounds, they were met by an express with the news that the two girls, Misses Hall, who had been captured by Black Hawk's bands, had been delivered up, and had just arrived at the fort. Colonel Dodge proceeded to the fort, and the detachment of volunteers remained in the neighbourhood, until the next day.

The party of Winnebagoes, which had brought the girls to the fort, was headed by the chief "White Crow," or the "Blind." From some cause, distrust arose that this party, or some of the chiefs, were not acting altogether in good faith, but as spies; consequently the whole party were marched as prisoners, by the volunteers, down to James Morrison's farm, at Porter's Grove. Here a council was held with them, and they were informed by Colonel Dodge, that they were in danger, by remaining on the southern side of the Wisconsin River, as the whites did not know the difference between a Winnebago and other Indians; he advised them immediately to cross to the northern side of the river, and remain there; and on their promise to do so, they were released.

The detachment then returned to Fort Union, where they encamped, and on the next day marched by Fort Defiance, to Gratiot's Grove, where they arrived in the evening. Here they were joined by Captain Stephenson's company of mounted volunteers from Galena; before leaving Gratiot's Grove, they heard of the killing of Aubrey at the Blue Mounds, which occurred about the 6th or 7th of June.

The whole command, some two hundred or more, mounted men, then went to Kirker's farm, near the head of Apple River, where they camped, and here Colonel Dodge delivered an address to the volunteers. From this place they marched to the scene of the murder of St. Vrain, Fowler, and Hawley, to bury the dead; the bodies of the two former were found and buried; the body of Hawley never was found; it has been conjectured that he was burned.

At this point, Captain Stephenson separated from the command, and returned to Galena with his company; Colonel Dodge proceeded with the remainder of the mounted volunteers to the camp of the regular troops at Dixon's Ferry. On arriving at Dixon's, they found General Hugh Brady in command, and learned that General Atkinson was at the Rapids of the Illinois River, (now Ottawa,) organizing three brigades of Illinois volunteers.

From Dixon's Ferry, Colonel Dodge, with twenty-five men, escorted General Brady to General Atkinson's head-quarters, where the plan of the campaign was agreed upon, and Colonel Dodge received his orders; this was about the eleventh of June. The whole command of mounted volunteers then returned to Gratiot's Grove, where they were dismissed to their respective posts on the 14th of June; this was the day of the murders at Spafford's farm. On the 17th of June, the battle of the Pecatonica was fought, the account of which (by Lieutenant Bracken) has been already given.[1]

A few days afterward, in pursuance of the plan of the campaign, Colonel Dodge, with his volunteers, met Posey's

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[1] See Doc. Hist.

brigade at Fort Hamilton; these composed the left wing of the army; Alexander's command formed the centre; General Atkinson, with Henry's brigade, formed the right, and advanced up Rock River. The left wing marched by way of the Pecatonica Battle-ground, Shuck's Prairie, and Sugar River to the first of the Four Lakes; at Sugar River they were joined by the Galena Company, and at the First Lake, they were joined by the "White Crow" or "Blind," and some thirty warriors, for the avowed purpose of showing them the path to the Sacs and Foxes.

The command then proceeded, and crossed the Catfish River at its outlet, and thence to Koshkonong Lake. General Atkinson had in the mean while been joined by Alexander's brigade, and was encamped at the outlet of Koshkonong. Colonel Dodge visited General Atkinson's camp for the purpose of procuring an exchange of brigades, in their relative positions, Alexander's to take the place of Posey's, and vice versa; the reason was, that much dissatisfaction existed between Posey's brigade, and Colonel Dodge's command. In this measure of exchange, the request of Colonel Dodge was complied with by the commander-in-chief.

This command, or left wing of the army, then marched up the right bank, or west side of Rock River, accompanied by the "White Crow" and his band, who professed to guide them to Black Hawk's camp. On the second day's march, an express, borne by an Indian, arrived from General Atkinson, informing Alexander and Dodge that a sentinel had been shot, and requiring support. The march was continued until they struck Rock River a short distance above the mouth of Bark River; here, the White Crow wished the commanders, Alexander and Dodge, to turn up Rock River, and urged them to do so; but in consequence of the orders received by the express, the command went back, and crossed Rock River immediately below the mouth of Bark River, and found General Atkinson encamped about three or four miles up Bark River.

It appeared afterward, by discovery of the Indian trail,

and other evidences, by the scouting parties, that a considerable ambush had been formed on the bank of Rock River, on the east side, at a point where the army would have to cross, at a very rocky ford, consequently dangerous for horses; it was with some reason supposed that the "Blind" was acting in concert with Black Hawk, and was treacherously guiding the army to this dangerous ford.

General Atkinson, finding the army in want of provisions, ordered a detachment of some two hundred and fifty men, consisting of the commands of Henry, Posey, Alexander, and Dodge, to proceed to Fort Winnebago for supplies, with orders to return by the route they went up. The detachment turned down Bark River, crossed Rock River, and passed up the country in a northwest direction, some miles north of the Fourth Lake, to Fort Winnebago. On receiving the supplies, a consultation was held by the commanding officers on the propriety of altering their return route, and crossing Rock River higher up. At this council Colonel Dodge suggested the idea of crossing the river higher up, as in that case, the Indians, if they were in the vicinity, would be thrown between themselves and General Atkinson. General Henry and his officers agreed with Dodge in the propriety of this movement; Generals Alexander and Posey dissented, and retraced their steps, with their respective commands, in pursuance of orders, by the route which they came up.

Henry's and Dodge's brigade then marched eastward and struck Rock River at the rapids, (now Hustisford;) from this point an express was sent to General Atkinson's camp, but in a short time the express returned, with information that the first trail of the enemy had been discovered. The pursuit immediately commenced, and the trail was soon struck, and followed down the river, until the Crawfish River was crossed near the present site of Aztalan. The trail bore to the west side of Keyes's Lake (Rock Lake,) and thence westward to the crossing between the Third and Fourth lakes, (near Madison.) Having followed the trail thus far, and on reaching the Third Lake, General Henry objected to advancing, until a defile

formed by the entrance of a small stream into the lake was scoured; here the army encamped, and the next morning crossed over the ground between the Third and Fourth Lakes, and followed the trail round the southern end of the Fourth Lake to where Slaughter's farm now is situate.

At this point the Indians had selected an excellent position for a battle, as was discovered when we came to it, by the marks of their bodies where they had laid on the ground. There were two banks, one above the other, and each forming a natural breastwork, with a ravine through which passed a small creek; these formed great natural defences, and in all probability, if the army had not encamped the night before, but had proceeded on the trail, a decisive battle would have been fought at this place, which it was evident had been selected by the Indians.

The pursuit continued; the advance was commanded by Colonel Wm. L. D. Ewing, but Colonel Dodge's command becoming dissatisfied with what they considered a tardy march, broke off to the right and left, and took the front. From that time the pursuit became greatly animated; a straggling Indian or two was seen, and killed; and occasionally small parties of Indians were seen on the surrounding eminences; the route was through oak openings from the time of leaving the Fourth Lake. On reaching the bluffs or high grounds overlooking the Wisconsin bottoms or lowlands, Colonel Dodge's command was far in advance of the rest of General Henry's brigade, except Colonel Ewing's command, which was with them; Ewing's men formed the centre of Dodge's command during the action.

On arriving at the edge of the heights, or bluffs of the Wisconsin, the troops were dismounted; Captain Joseph Dickson, (of Platteville,) who was in command of the spy company, had preceded them, and had encountered a large body of Indians, who drove them in. The line was immediately formed, and advanced in front of the horses, to the brow of an eminence which concealed them from the enemy, who, in the mean while, was approaching from the other side of the

heights, in pursuit of Dickson, not being aware of the near presence of the army. The conflict commenced, as both parties met on the bluffs, and the enemy was repulsed. The position of Colonel Dodge was maintained, under a constant fire from the Indians for fully an hour before the line of battle was formed by the arrival of General Henry with the rest of his brigade; they deployed to the right and left, forming on the flanks, and leaving Dodge's command in the centre.

As soon as the whole line was thus formed, a charge was ordered and promptly made, by which the Indians were driven from their position into the low grounds, or Wisconsin bottoms, which were here covered with high grass; and as it had been, and still was raining, the men could not keep their arms dry in passing through this grass, and the pursuit ceased here.

The battle commenced about five o'clock in the afternoon of the 21st of July, and closed about sundown. The loss of the enemy was very severe, compared with that of the whites. The greater part of the Indians killed were found opposite Colonel Dodge's command; the only officer of Colonel Dodge's command who was mounted during the battle was Lieutenant Bracken; Colonel James Collins, of General Henry's brigade, was also mounted, and had a horse killed under him.

The commander-in-chief of the Indians, supposed to be Ne-a-pope, or Rattle-foot,[1] was seen during the battle, mounted on a white horse, and giving orders, from the summit of a conical mound, which overlooked the battle-ground. It is supposed that five hundred or six hundred Indians were present in the fight.

When the line was ordered to advance and charge, a detachment of Henry's brigade was at the same time ordered to cover the right wing; their movement, for this purpose, probably induced a belief, on the part of the Indian commander, that the intention was to cut off the women and children of

[1] See Black Hawk's account as to Ne-a-pope. He says that he himself commanded.

the Indians, who were in their rear, on the banks of the Wisconsin River; a retreat was therefore ordered by the Indian commander, which took place as the line advanced, and to this circumstance may be attributed the small loss of life on our part. It has been said, by those who had better opportunities of knowing the facts, that the American loss was one killed and eight wounded; on part of the Indians, the loss in killed on the field, was between forty and fifty; the number of wounded, unknown, as they were carried away; of these details, Mr. Bracken has no personal knowledge, and cannot vouch for the accuracy of any of the above-stated numbers. On the morning after the battle, it was found that the enemy had all crossed the river during the night, men, women, and children, and had dispersed.

At the time of the battle, the "White Crow," and some other chiefs of the Winnebagoes, together with Pierre Pacquette, their interpreter, were with our army; they had accompanied Colonel Dodge's command, from the time of leaving Fort Winnebago, and during the pursuit on following the Indian trail, to this point. Previous to the battle, a friendly Winnebago had met with some of the Sacs, and had advised them to surrender, and that they would be well treated, and *fed* by the whites. Immediately after the battle, the White Crow, and all his Indians, together with Pacquette, the interpreter, left the camp for Fort Winnebago. During the night, the camp was alarmed by the voice of an Indian, who appeared to be hailing our people, with a desire to be heard. He spoke a great deal, but his language was not understood; it appeared afterward, that it was in the Winnebago dialect, as it was known that some of the Winnebagoes were in our camp, and they were supposed still to be there; it was thus believed that the Indian would be understood if he spoke in the language of the Winnebagoes, and that they would act as mediators for the surrender of the Sacs, which was then proposed.

The next day, the country around was scoured—litters were prepared for the wounded—expresses were sent to Gene-

ral Atkinson, at Bark River, and to the Fort at Prairie du Chien. On the day after, the army marched to the Blue Mounds, where Colonel Dodge's command, including Captain Stephenson's company, from Galena, were dismissed.

General Atkinson immediately broke up his camp at Bark River, and marched, by way of the Blue Mounds, to Helena, on the Wisconsin River. Here the volunteers under Colonel Dodge were again assembled, and the whole army crossed the river, and followed the trail of the retreating Sacs and Foxes, which was discovered under the bluffs north of the river, until they arrived at the Mississippi, near the mouth of the Bad Axe. On the route, a number of dead bodies of Indians were found, many in a state of putrefaction; these had doubtless died of wounds received at the battle of Wisconsin Heights, and from debility produced by the sickness and starvation, which, from all accounts, prevailed among the Indians who accompanied the fortunes of Black Hawk; the march was therefore rendered distressingly offensive, both to the senses of smelling and of seeing.

On the evening of the first of August, signs of the enemy were discovered, and some stragglers were killed. At two o'clock, on the morning of the 2d, the line of march was taken up, Colonel Dodge's command forming the advance, supported by the regular troops, under Colonel Zachary Taylor. About sunrise, Captain Dickson, who commanded the spy company, reported by one of his men, that he was up with the enemy, and asked for orders. Colonel Dodge sent orders to attack them instantly, and at the same time moved up rapidly with his command. He was immediately supported by Colonel Taylor, with the regulars, and the line was then formed, and advanced about a mile to the banks of the Mississippi, near the mouth of Bad Axe River. In the mean time, Captain Dickson, who was in front with his spies, seemed, from the firing, to be actively engaged with the enemy. Our troops rushed with ardour to the scene of action, and the battle was soon over, and the fate of Black Hawk, and his band, determined.

# JOHN MESSERSMITH'S NARRATIVE.

*On the Release of the Captives, Misses Hall. Account by John Messersmith, Esq., of Iowa County.—Related to the Compiler.*

The fort at the Blue Mounds was built by the inhabitants of that neighbourhood, for the protection of their families; it was commenced about the 10th of May, 1832, and by the 20th, the men, women, and children had moved into the fort; they remained thus forted until August 30th, 1832, and pay was drawn from the General Government by the volunteers for three months' service.

Mr. Messersmith resided with his family at his newly opened farm of Messergrove, about sixteen miles west of the Blue Mounds; and on or about the 15th of May they removed into the newly constructed fort, but did not remain there much longer than three weeks, when they returned home again on the 6th of June, the day that Aubrey was killed by the Indians.

At this time, Colonel Henry Gratiot, the Indian agent of the Winnebagoes, was stationed at Mound Fort by General Atkinson, in order to watch the Indians and report on their movements; in his absence on business, Edward Beouchard acted under his authority, inasmuch as he could speak the Winnebago language; he was instructed to note all that occurred, and report to Colonel Gratiot on his return.

The massacre of Mr. Hall's family on the waters of Fox River of Illinois, and the capture of his two daughters had occurred lately, (on May 21st, 1832,) and General Atkinson had offered a reward of two thousand dollars for the release and recovery of the girls from the hands of the Sauks.

On the 29th of May, an express came to the Blue Mound Fort, with a letter from General Atkinson addressed to Colonel Gratiot, and marked, "On public service;" at this time Colonel Gratiot was absent, and at what point, was not known. A consultation was held by the men in the fort, and being

fully impressed with the belief that the packet might contain information or instructions of great importance to them, in their present situation, they advised Mr. Beouchard to open it. It was found to contain the account of the murders by the Sauks on Fox River, and the capture of the two girls, Misses Hall, together with the offer of two thousand dollars reward to the Winnebagoes for their recovery. When the contents were thus known, the packet was resealed, and an express immediately despatched with it, to Colonel Gratiot. In the mean while Mr. Messersmith was permitted to take an abstract of the information, which he also sent by an express on the same day, to General Dodge. The next day, General Dodge came to Mound Fort, and sent to the Four Lakes for a band of Winnebagoes, and informed them of the capture of the girls, and of the reward offered for their release and recovery.

A few days afterward, (June 3d, 1832,) the people in the fort discovered Indians showing themselves on the edge of the timber, about three miles east of the fort; Beouchard bravely volunteered to go out and ascertain who they were; he did so, and found they were Winnebagoes, and that they had brought the captured girls with them. He soon brought the Indians to the fort, and they delivered up the unhappy and almost destitute captives to the ladies who were in the fort, who received and assisted them, as might be well expected, to the utmost of their abilities; half famished, half naked, the unfortunate captives found themselves once more in civilized life, and among friends.

As soon as it was ascertained at the fort that the Indians were bringing the girls, an express was sent to General Dodge, who was met at James Morrison's farm, with a party on their way to the Mounds; consequently, Dodge was at the fort before the girls were got in; they stayed all night, and the next day went under General Dodge's care, with the Winnebagoes, to James Morrison's place; next day to Mineral Point, and thence by way of Galena, to St. Louis.

On the 6th of June, Mr. Messersmith with his family left the Mound Fort, about nine o'clock in the morning, on their

way to Messergrove. At four o'clock in the afternoon of the same day, Aubrey was killed at the Mounds. At midnight, the family of Mr. Messersmith having arrived at home, were aroused, and again left Messergrove and arrived at Dodge's Fort at the dawn of day, 7th of June, 1832, where they remained until after the battle of the Pecatonica.

James Aubrey and his wife lived at Colonel Ebenezer Brigham's, at the Blue Mounds, and kept house for him, the colonel being unmarried. Aubrey was elected captain, at the first election by the people in the fort, but he did not serve as such, and was soon afterward, (on the 6th of June,) killed by a party of Indians, while getting water at the spring near Colonel Brigham's cabin on the Blue Mound, about a mile and a half north of Mound Fort. The people, in the mean time, by direction of General Dodge, held an election, and chose John Sherman for their captain; George Force, first lieutenant, and William Collins, second lieutenant.

## BATTLE OF THE PECATONICA.

*Letters on the Battle of the Pecatonica, copied from the originals, in possession of the Compiler.*

HAMILTON'S FORT, June 16th, 1832.

Captain J. SHEARMAN:

Sir—Our men buried the five men killed at Spafford's farm, before my arrival at this place, yesterday; this morning, the Indians killed a man, in less than half a mile from this place; I instantly pursued them with twenty-nine mounted men; I came in sight of them in about two and a half miles, and pursued them into a bend of the Petittolica; I dismounted my men, linked my horses, left four men in charge of them, and advanced at open order, under trail arms, until I came up with them. I had placed on the hills four pointers, to pre-

vent their escape; twenty-one of us advanced on the Indians; we received their first fire, by which three of our men fell, severely wounded. I instantly ordered a charge on them, which was obeyed with the greatest promptitude. In less than half a minute we killed the whole party, consisting of eleven men, and got their scalps.

Colonel Hamilton arrived here, yesterday, with his Indians; his party, added to Decary's party, will make about two hundred men, who will be engaged, under their leaders, in ranging the country so as to cover this position, as well as the Fort at the Mounds.

I shall return home to-day; should any thing take place of moment, send me an express immediately.

H. Dodge, Colonel commanding.

Addressed to Captain J. Shearman, commanding Mound Fort.

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Fort Union, 17th June, 1832.

Captain Sherman:

Sir—The following facts are stated in a letter addressed to Captains Hord and More, by General Dodge, dated 16th June, viz.:—Gentlemen: The five men killed at Spafford's farm was buried by our men, yesterday; this morning, the Sacks killed one of our men, within one-quarter of a mile of this fort; we immediately pursued on the trail, with twenty-nine men, in number. Was fortunate in overtaking, and killed ten of them, which we consider composed the whole party. Our men charged them, and received their first fire. Wells and Morris are mortally wounded; Samuel Black is severely wounded, but not mortal; Thomas Jenkins, flesh-wounded, not mortal; twenty-one of our men charged on the Indians on foot, the rest were taking care of our horses, and guarding the swamp in which we found them. The men behaved with

great gallantry and bravery, on this occasion; they deserve the confidence of their country.

Respectfully yours, in haste,

FRANCIS GEHON, Captain commanding.

Captain SHEARMAN, Blue Mound.

Addressed, on cover, to Captain SHEARMAN, commanding Blue Mound.

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## BATTLE OF WISCONSIN HEIGHTS.

THE personal narrative of Captain James B. Estes, of Iowa county, is to the following effect:—On the morning of the 21st of July, 1832, he left Fort Atkinson, on Rock River, and reached the Wisconsin Bluffs, opposite the lower end of Sauk Prairie, about an hour before sundown; the battle had commenced a short time before he got to the ground; there is an extensive piece of swamp, or marshy ground, at the point where the battle was fought, about one mile south-east of the Wisconsin River. The whole of Black Hawk's force was here; General Henry was in command of our troops, being about six hundred men, and they had come on, that day, from the Four Lakes, about twenty-five miles. On the march they had seen several small parties of Indians pursuing their course toward the Wisconsin River. About a mile from the head of the Fourth Lake, a dead Indian was discovered, and near him, his pouch, in which was found the watch of Lieutenant Force, who had been killed at the Blue Mounds.

The Indians were overtaken, and followed down, and along a long hollow, or ravine, being the first one east of Black Earth Valley; here the battle was commenced by the Indians. The firing on both sides continued until after dark, when it ceased, and our men bivouacked on the ground, as they had

but three or four tents with them; our loss in this fight was one man killed, and eight wounded; twenty-five Indians were found dead on the ground, and according to the statement of an Indian woman, (said to be Keokuk's sister,) who was afterward taken prisoner, at the mouth of the Wisconsin River, the loss on the part of Black Hawk was sixty-eight warriors. During the night, the Indians all crossed the river.

On the morning of the 22d of July, Captain Estes was sent as an express to Prairie du Chien, with despatches from our officers, giving the information to the garrison, that the Indians had crossed the Wisconsin. He arrived at Prairie du Chien on the 23d, at noon, having travelled about ninety miles. Colonel Loomis was in command at the fort. The steamboat Enterprise, owned by John Acheson & Co., of Galena, came up the river on the 29th, and was sent by Colonel Loomis up the Mississippi, to Black River; Captain Estes was on board. At Black River they found about forty Winnebagoes, with twenty-eight canoes, collected there, no doubt for the purpose of assisting the retreating Sauks and Foxes to cross the Mississippi. The Winnebagoes were made prisoners, and brought down, together with their canoes, on the 30th, to Fort Crawford. The Enterprise, being a slow boat, was dismissed, and Colonel Loomis hired the steamboat Warrior, Captain Throckmorton, to go up the river a second time. Accordingly, on the 1st of August, this boat (aboard of which was Captain Estes) went up the river about forty miles, to the mouth of the Bad Axe, and here found the Indians on the bank of the Mississippi, who commenced firing on the boat. The fire was returned from a six-pounder, placed in the bows or forecastle of the boat, and after two or three shots the Indians ceased firing, and fled into the woods. The party in the boat continued there until sunset, when, their wood having failed, they were obliged to return to Prairie du Chien for supplies. After procuring wood, the boat started back about midnight, and arrived at the lower end of the large island below the mouth of the Bad Axe, on the morning of the 2d of August, about ten o'clock; they heard firing

before they reached the island, and knew that a battle had begun.

After the battle of the Wisconsin Heights, our troops returned to the Blue Mounds, and there waited for the arrival of General Atkinson with the regulars. On their arrival, the whole army proceeded to Helena, crossed the Wisconsin River at that point, and followed the Indians to Bad Axe River. In the mean time, a large party of Black Hawk's people, men, women, and children, having descended the river in canoes, after the battle at the Heights, were taken prisoners near the mouth of the Wisconsin, by our troops stationed at Prairie du Chien.

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## BATTLE OF BAD AXE.

Captain James B. Estes, of Iowa county, relates as follows:—

Our boat, (the Warrior, Captain Throckmorton,) arrived on the 2d of August, about ten o'clock in the morning; the firing had already begun.

There are two islands in the Mississippi near the mouth of the Bad Axe; our troops had driven many of the Indians on these islands, and the steamboat opened a fire with the six-pounder upon them. Having passed the large island, our troops were discovered on the mainland, and two small boats were sent by Captain Throckmorton to the shore to bring them over to the islands. The boats made a few trips, and landed Colonel Zachary Taylor and his whole command, about one hundred and fifty men, on the large island. Here a severe fight took place, and all the Indians found on this island were killed, except one who swam across the slough, and got on shore, on the eastern bank of the Mississippi, and escaped; two Indians were killed in the top of a tree. Upon the small island, several Indians were also killed; and here, Captain Estes dis-

covered an Indian sack with something red hanging out of it; when this was taken out, it proved to be a British flag, entirely new, and never soiled. Major Mason, of the United States Army, was with Captain Estes when the flag was found; it was passed from hand to hand among the troops; what became of it afterward is not ascertained.

From the main eastern shore of the Mississippi to the islands, is about one hundred and fifty yards; the small island lies nearest to the shore, and is above the large one. It appeared that the Indians had only one canoe with them, and they had to swim across the slough; many of them were drowned, as their bodies were found next day below the islands. In the boats that first brought the regulars to the large island, were Colonel Zachary Taylor, Major Bliss, Captains Harney and Smith, and other officers; Captain Estes was also along with them, having gone in the boats to bring them over. Colonel Taylor was the first who got ashore. During the fight, and about the close, General Atkinson came on board the steamboat, and remained there until the close of the battle. The firing was very severe on the boat from both of the islands and the shore also, when it had arrived at the head of the large island. The pilot's house being above the upper deck, was much exposed, and several balls had passed near it; the steersman, somewhat alarmed, left the wheel, and instantly afterwards a shot passed through both sides of the house, in the direction where he had been standing; for a few minutes Captain Estes took the wheel, but the pilot soon resumed his place, and Captain Estes went ashore with the first boats to bring the troops over the slough.

During the fight on the mainland, an Indian woman was killed; she had a young child at the breast, and the deadly bullet had passed through and shattered the arm of the infant, and penetrated the left breast of the mother. When they were found after the battle, the woman was lying dead, over the child, whose head protruded under the mother's arm. Dr. Addison Philleo, of Galena, surgeon of the volunteers, amputated the child's arm, on the ground; during the opera-

tion, a biscuit was given to the infant, which it ate, apparently unconcerned, and insensible to pain. This child was delivered to the care of an Indian woman, prisoner, and was subsequently taken to Rock Island, and delivered up to the tribe.

It may readily be supposed, that during the eleven days which had elapsed from the time of crossing the Wisconsin until their arrival on the banks of the Mississippi at Bad Axe, the Indians had most severely suffered from imperious hunger, and incessant fatigue in their hasty retreat; in fact, they were nearly starved, as was universally admitted by their conquerors.

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A writer in the GALENA GAZETTE of August 6th, four days after the battle, states that—

"The battle lasted upwards of three hours. About fifty of the enemy's women and children were taken prisoners, and many, by accident in the battle, were killed. When the Indians were driven to the bank of the Mississippi, some hundreds of men, women, and children, plunged into the river, and hoped by diving, &c., to escape the bullets of our guns; very few, however, escaped our sharp-shooters. The loss on the side of the enemy never can be exactly ascertained, but according to the best computation, they must have lost in killed upwards of one hundred and fifty; our loss in killed and wounded was twenty-seven.

"General Atkinson, accompanied by Generals Dodge and Posey, with the United States Infantry, arrived at the Prairie on the evening of the 4th, on board the steamboat Warrior, and will remain until the mounted volunteers arrive. The Winnebagoes at Prairie du Chien, are daily bringing in Sac prisoners and scalps.

"On the same day, a party of fifteen men from Cassville, under command of Captain Price, were reconnoitring the country between that place and the Ouisconsin, and fell upon a fresh Sac trail, making towards the Mississippi. They rushed with full speed of horses, and soon came upon, killed and took prisoners to the number of twelve."

# MEMORIAL OF THE MINERS.

*Memorial of the Citizens of the Mineral Region of Wisconsin, on the subject of the Rent Lead, and the protection of their rights, in case of the sale of Government Lands.*

To the Honourable Lewis Cass,

Secretary of the War Department of the United States:

Sir—The undersigned, residents in that part of the Territory of Michigan including the lead-mine district, on the Upper Mississippi, respectfully ask leave to call your attention to the situation and condition of the citizens occupying this mineral region of country.

In conformity to an act of Congress, passed in 1807, the President of the United States, from time to time, has appointed agents invested with ample powers, to lease the United States lead mines; and the government of the mines having been confided to the War Department, and the rents accruing to the Government from the working of those mines, having been heretofore regulated by that department, are the reasons why your memorialists ask leave to call your attention to this subject. Your immediate predecessor in office having reduced the rents of the United States mines from ten to six per cent., we take it for granted, that power was properly exercised; and, inasmuch as he held himself at liberty to raise the rents, by giving three months' notice, we ask your indulgence, while we briefly state the past and present condition of the mining population of this country.

The relation in which you stood to the people, as the Executive of this Territory, at the time this mining country was settled, as well as the appointment you held jointly with

Colonel McKenney, as joint commissioners on the part of the United States, for treating with the Winnebago, and other tribes of Indians, for this country, here is well known. The Government of the United States invited the people to this country, through their agents, at a time when they had no troops on this frontier to afford them protection. In 1827, when the Indians commenced hostilities, the inhabitants of the mining country, being wholly dependent on themselves for protection, abandoned their mining operations, and prepared themselves to resist the Winnebago Indians, who were located in the immediate vicinity of the mines, and who were actually in a state of war. The loss of one season from the working of the mines, and the expenses incurred by the people of this country during the winter of 1827 and 1828, left them without the means of returning from whence they had emigrated. In this situation, they settled that portion of the mining country, which they now occupy. In the month of June, 1828, the Superintendent of the United States lead-mines located the portion of country, at that time occupied by your memorialists; and from that period until the extinguishment of the Indian title at Prairie du Chien, in 1829, a period of near fourteen months, and before the Government acquired a right from the Indians for the country, the people of the mining country paid upwards of one million pounds of rent lead. It is believed, that no tax was ever more punctually and cheerfully paid, than this, by the smelter to the Government. During the administration of the present Superintendent of the mines, (two and a half years,) more *tax lead* has been collected, including arrearages, than the actual rents amounted to, for that period. Your memorialists state with confidence, that they have paid a greater amount of taxes, and such being a direct tax on the labour of the whole community, than any equal number of citizens, since the settlement of America!

That from 1827 until 1829, the smelters not only paid *ten* per cent. rent on all lead manufactured, but they hauled the rent lead a distance from forty to sixty miles, to the United

States depot, at a time when lead was not selling for more than one dollar and fifty cents, at the United States lead mines.

What was the consequence of this state of things?—the entire ruin of many of the manufacturers of this article. The Government of the United States has actually received between three and four millions of pounds of rent lead, and the people of the United States an abundant supply of the article of lead, upon cheaper terms than ever furnished them at any preceding period. The low and depressed price of lead was the principal cause, no doubt, that your predecessor reduced the rents of the mines; and as the Government has derived all the advantages they could have anticipated, in a national point of view, from the exploration and working of their mines; and as the manufacturers and miners of this mining country have not had time to realize the advantages resulting from a reaction in the price of lead, your memorialists confidently rely on your justice, and the liberality of the Government, that they will foster and protect their own manufacturers of lead, to the exclusion of those of foreign powers. And as lead is a necessary and important article in time of war, we trust that you will carefully examine this subject, in all its bearings, before you increase the rents of the United States lead mines; and that you will urge on Congress the justice and propriety of not changing the present tariff on lead.

Your memorialists ask leave to call your attention to a subject of great interest and vital importance to them. Should the government pass a law for the survey and sale of the United States lead mines of this country, upon the same principles observed in the sale of the lead mines in Missouri, we earnestly hope you will recommend to the consideration of Congress the justice and propriety of granting to each miner who has complied with the regulations made for the government of the mines, the privilege of working out all discoveries made on mineral lots, or surveys. To sell the United States mines without making this reservation, would deprive the most enterprising and industrious part of the population

of this country of their all! Miners who have had mineral lands in their possession for years, might by speculators have their mineral grounds purchased, and be left without resources or means, from not having had time to compensate themselves for the low prices of mineral, which was sold in this mining country for two years, from five to eight dollars per thousand weight.

It surely cannot be the policy of an enlightened government to oppress one portion of its citizens for the advantage of another part of the same community, and where equal rights and justice should be meted to all.

Your memorialists consider it a fortunate circumstance for them, that you are placed at the head of the War Department of the government, knowing that you are intimately and well acquainted with all the circumstances attending the settlement of the mining country, surrounded, as they have been, by Indians secretly hostile to American people, as well as under the influence of the English; the friendly regard which you evinced for the protection and safety of the citizens of this mining region in 1828, is remembered with gratitude; and your memorialists confidently believe that you will render them all the aid in your power, consistent with the relation in which you stand to the government: and your memorialists will ever pray, &c.

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# EARTH WORKS.

## AZTALAN, THE ANCIENT CITY.

One of the very remarkable groups of ancient earth-works hitherto discovered in Wisconsin, is a connection of embankments, buttresses, and mounds, forming an enclosure, with interior and exterior raised works, and is situate in township seven, of range fourteen east, on the western, or right bank of the Crawfish, or west branch of Rock River, in the county of Jefferson. From the singular resemblance which

these monuments of an ancient people bear to a regular fortification, and the large space of the enclosed ground, together with the neighbouring and surrounding mounds, and other earth-works, these ruins early received the name of the "City of Aztalan," given to it by Judge Nathaniel F. Hyer, who first settled here in 1836, and, in default of a more plausible hypothesis, referred its origin to a race of people co-existent with, and similar to, the ancient Aztecs of Mexico. The enclosed works, or supposed fortification, or city, are situate about half a mile south of the present village of Aztalan, but the mounds commence in the very heart of the village, and extend on both sides of the road leading to the village of Jefferson, somewhat more than three-fourths of a mile.

The north and south walls of the enclosure extend about four hundred yards from the west wall, and abut on the Crawfish River; the west wall is also about four hundred yards in length. These walls all have certain projections from them, apparently as buttresses, at intervals of some thirty feet; within the enclosure, at the north end, near the western wall, is an oblong mound, of about five feet elevation, which has been dug into some years since, and in which were then found pieces of a sort of matting, and several rope strands, of grass, or other fibrous substance—a sort of texture resembling cloth—human bones—pieces of pottery of various descriptions, together with fragments of brick, or burnt clay, mixed with grass or straw; all these articles were apparently charred by fire.

Within the enclosure, at the south-west angle, is a large mound, in shape nearly square, about fifteen or twenty feet high, and flat on the summit, having a connecting ridge, or continuous elevation, of about three or four feet, to another square mound at the south-east angle; also within the enclosure, are several small circular mounds, and two long, parallel embankments, about four feet high; about halfway of the distance between the north and south walls, on the bank of the river, is an excavation similar to that of a sewer, or drain.

The three walls, and their buttresses, enclosing the whole

ground, are now about four feet raised above the surrounding soil; the whole enclosure, as well as the walls, (except where a part of the land is in cultivation,) is covered with a scattering growth of scrub oak, and other shrubbery, but the earth-works, and their peculiar formation, is very distinctly to be traced; on some of the mounds, and on various parts of the walls and buttresses, several forest trees are growing, which, from their size, indicate great age. Several of the circular mounds, in the vicinity of the enclosure and the village, have been opened at various times, and bones and pottery have been found in them.

At the first view of these earth-works, there is no difficulty in ascribing their formation to human agency, although, from the general character of the surrounding country, some of the mounds are doubtless of natural formation; and the advantage of their primitive position, has afforded to the ancient builders of the enclosing walls favourable points of continued connection. The fact of these mounds being the depositaries of the dead, as well as of the articles of brick, pottery, and other things, which are found in them, does not present any great obstacle to this supposition. This remark may well apply to many of the conical, or round mounds, found in the neighbourhood; the natural formation of one, or more of these elevations of earth, may have led to the erection of other hillocks, or mounds, either for posts of defence, or as tumuli for the dead. Even the discovery of human bones, pottery, fragments of brick, &c., in the apparent natural elevations, does not detract from the plausibility of this theory. Some of these mounds exhibit depressions around them, from which earth may have been taken to raise them originally, or to add to their height; others, in common with the other earth-works, and animal-shaped mounds, in various parts of the State, show no such appearance in the surrounding soil.

Such was the appearance of the earth-works of the ancient city of Aztalan, in 1853; subjoined is a description of the supposed fortification made on the ground, about the year

1840, and communicated by its intelligent author,[1] at that time, for publication in Silliman's Journal.

"The citadel (enclosing walls), consists of a brick wall, which at the base is from twenty to twenty-five feet wide, at the present time, and, as I should judge, about five feet in height; the projections of the wall have certainly the appearance of buttresses, as constructed upon military works at this day; they are constructed *also* of brick, regularly built, at intervals of from two to five rods, and extending beyond the wall about seventeen feet, of the same height as the main wall. The eastern wall, parallel with, and immediately upon the bank of the river, is, at this time, but slightly visible, nor are there any appearances of buttresses, as upon the other portions of the wall. In proceeding upon the supposition that these are the ruins of an ancient fortification, we may conclude, that inasmuch as the eastern side was defended from ingress by a deep and rapid stream, a wall and buttress similar to the one I have attempted to describe, as bounding the western side, would have been unnecessary. The whole area within the wall comprises about twenty acres; within the enclosure are a number of square mounds, or elevated plains, of the height of fifteen or twenty feet, as I should judge, and perhaps forty or fifty feet square upon the top, while others are of a more conical shape, and from their situation appear as what might now be termed *block-houses*, or places of *look-out;* that such were the objects of their construction, I am not prepared to say. There is also a distinct ridge, running east and west, connecting two of these towers or mounds, as well as two parallel ridges, running north and south, and extending nearly the whole length of the enclosure. There is also a cellar and stairway, I am informed, yet visible, descending within the mound of the north-west angle of the ruins; this, in my hurried examination, escaped my notice; I can, therefore, say nothing respecting it. The same remarks must also apply to the termination of a sewer, which is said yet to be

[1] Nathaniel F. Hyer.

perceived at a bend, or angle, about midway in the eastern wall; this sewer is said to be about three feet below the surface, and arched with stone. Whether through this sewer water was supplied from the river, or not, others can judge. Without the enclosure, and at those points where this work is not protected by the river, are numerous mounds, varying from three, to twenty-five feet in height, and from twenty to a hundred feet in circumference; and particularly at the south-west angle, there is an embankment forming the arc of a circle, with projections resembling the buttresses represented in the main wall, which requires but little stretch of the imagination, to suppose was intended as an outwork for the defence of that particular point.

"In examining one of these mounds, I found the remains of a human skeleton, which had been previously exhumed, although by the action of fire, the bones had been so completely charred, that they readily crumbled to pieces in the hand.

"One word as to the 'brick-wall;' let me not be understood to say, that there is in the brick here found any regular appearance of brick-laying, as at present practised. The walls which I examined, and from which, at many different points, with a mattock, I broke off specimens, present, now, the appearance of a mass of *burned clay*. In what manner at first constructed, there is nothing to indicate; but that the walls and parapets consist of brick, rudely burned, and prepared with straw, after the ancient mode, the different specimens I gathered bear sufficient witness."

NOTE.—A box, containing specimens of the "burned clay," as well as fragments of rudely platted matting, and human remains, in a charred state, dug from these ruins, was, some years since (about 1840) forwarded, through the Curator Dr. King, to the National Institution for the Promotion of Science, at Washington, D. C.

## FORTIFICATIONS.

CARVER, in his account of his travels on the Upper Mississippi in 1766, discovered a remarkable earthwork, or ancient fortification, situate on the prairie on the western bank of the Mississippi, as follows :—

"One day, having landed on the shore of the Mississippi, some miles below Lake Pepin, whilst my attendants were preparing my dinner, I walked out to take a view of the adjacent country. I had not proceeded far, before I came to a fine, level, open plain, on which I perceived, at a little distance, a partial elevation, that had the appearance of an intrenchment. On a nearer inspection, I had greater reason to suppose that it had really been intended for this, many centuries ago. Notwithstanding it was now covered with grass, I could plainly discern that it had once been a breastwork of about four feet in height, extending the best part of a mile, and sufficiently capacious to cover five thousand men. Its form was somewhat circular, and its flanks reached to the river. Though much defaced by time, every angle was distinguishable, and appeared as regular, and fashioned with as much military skill, as if planned by Vauban himself. The ditch was not visible, but I thought on examining more curiously, that I could perceive there certainly had been one. From its situation also, I am convinced that it must have been designed for this purpose. It fronted the country, and the rear was covered by the river; nor was there any rising ground for a considerable way that commanded it; a few straggling oaks were alone to be seen near it. In many places, small tracks were worn across it by the feet of the elks and deer, and from the depth of the bed of earth by which it was covered, I was able to draw certain conclusions of its great antiquity. I examined all the angles, and every part, with great attention, and have often blamed myself since, for not encamping on the spot, and drawing an exact plan of it. To show that this description is not the offspring of a heated

imagination, or the chimerical tale of a mistaken traveller, I find on inquiry since my return, that Monsieur St. Pierre, and several traders have, at different times, taken notice of similar appearances, on which they have formed the same conjectures, but without examining them so minutely as I did. How a work of this kind could exist in a country that has hitherto (according to the generally received opinion,) been the seat of war to untutored Indians alone, whose whole stock of military knowledge has only, till within two centuries, amounted to drawing the bow, and whose only breastwork even at present is the thicket, I know not. I have given as exact an account as possible of this singular appearance, and leave to future explorers of these distant regions to discover whether it is a production of nature or art. Perhaps the hints I have here given, might lead to a more perfect investigation of it, and give us very different ideas of the ancient state of realms that we at present believe to have been from the earliest period only the habitations of savages." *Vide* Carver's Travels.

In 1835, these remarkable earth works were visited by George W. Featherstonhaugh, in the course of a geological exploration of the country on the Upper Mississippi, made by order of the War Department of the United States, and from his report the following account is extracted. Mr. Featherstonhaugh says :—

"I had been anxious to discover a remarkable locality he (Carver) speaks of, and which from the doubts expressed by other travellers, they evidently had never seen. The passage in Carver is so minutely descriptive, and the existence of the remains of a work capacious enough to hold five thousand men was something so remarkable, that I was solicitous not to miss the place, however troublesome the search, since he does not say on which bank of the river it is, and merely speaks of it as 'some miles below Lake Pepin.'

"On climbing the bank where ever green (cedar) trees were, which is the right bank of the Mississippi about eight miles south-east of Roque's trading house, near the entrance of Lake Pepin, I found myself on an extensive and beauti-

fully smooth prairie. At a distance not exceeding two miles, I saw some unusual elevations to the south; and hoping I had had the good fortune to find, at length, the true place, I walked to them, and, on reaching them, was at once persuaded that I had found the locality described by Carver, and which was sufficiently remarkable to justify the description he had given of it. The elevation had the appearance of an ancient military work in ruins; externally there was the appearance of a ditch, in places filled up with the blowing sand, and having a slope coming down from what might be supposed the walls of the work to the ditch, of about twenty yards. Inside was a great cavity, with irregular salient angles; and at three different parts were the more regular remains of something like bastions; the cavity was seventy yards in diameter, north-west and south-east, including the ruins of several terraces; the circumference of this singular place, including the angles, was four hundred and twenty-four yards. Seven hundred yards south-south-east of this, was another, resembling it in form and size; and at an equal distance east-south-east from this last, was a larger one, eleven hundred yards round, with similar remains of bastions; this cavity would easily contain one thousand people; its walls, if the word may be applied to them, are lofty, and there is a deep ditch on the south side. In the area to the south, I counted six more of these elevations, each having a rude resemblance to the other, with what also appeared to be a line of defence, connecting these works with each other. At the northern end of this singular assemblage of elevations, every thing bears the appearance of rude artificial construction; at the southern end, however, and not far from the river, the works pass gradually into an irregular surface, a confused intermixing of cavities and knolls, that might be satisfactorily attributed to the blowing of sand. (It is a sand prairie, covered with a foot or two of vegetable matter.) There is a growth of oak timber, as Carver observes, upon all this part of the elevations. All the angles and bastions are very much rounded by the weather, and some of the slopes outside, consist of sand brought there by

the wind. It is undoubtedly true that all the appearances I have described may have been produced by the action of the wind; but those who think so, after personal inspection, are bound to account to themselves why other parts of this prairie, and of other prairies similarly situated, are not blown up, and why the ground covered by these elevations is blown up in such a manner as to resemble artificial works so closely. If, when this curious place becomes more known and investigated, Indian antiquities should be discovered commensurate with the extent of the work, such as the stone instruments and weapons of offence usually found about Indian encampments, it would decide with me the question. If any thing of that kind is there, it is probably buried beneath the sands too deep for passing travellers to find. I brought nothing away with me but a plan of the general appearance of the locality, and one or two of the principal elevations." (Feath. Geol. Report, 1835, p. 129, 132.

## BURIAL MOUNDS.

These eminences are found in various parts of the state, both south and north of the Wisconsin, and east and west of Rock River; their localities are not specially restricted, although they are found in great numbers and in many shapes at some points, while at others they are not found in groups but detached, and at considerable distances apart. In some vicinities the animal shaped mound prevails, and in others the conical or round mound only is found; parallelograms or breast-works are frequently discovered, often with animal-shaped mounds in their neighbourhood and sometimes connected with them. It has been correctly remarked of them by an intelligent investigator of their locations,[1] "that they are found in the dense forest, giving nurture to the largest trees, which measure in some instances three feet in diameter,

[1] Stephen Taylor, Esq. See Silliman's Journal, 1842.

and are frequently based on the summit of some of these mounds, while upon others their branchless trunks lie prostrate and decaying; we also find them in the sparsely timbered regions, as well as upon the undulating prairie plains, principally in the vicinity of large water courses, above the influence of high freshets or inundations. It is a remarkable fact that they are seldom found upon hilly or upon sterile lands. It is very evident that these works were *heaped* up, and by a race that has long since passed away; as to the material of which they are constructed having been brought from a distance we have no other testimony than conjecture. From the excavations around and in the vicinity of many of them, more especially those in the form of the cross, I am persuaded that the material of which they are composed was obtained from the ground adjacent to them; while in the vicinity of those of other forms, the surface does not appear as though the earth of which they were constructed had been taken therefrom; so that the conjecture appears plausible, that some of these works were heaped up with accumulated material brought from a distance."

The ordinary circular tumuli, those of elliptical, quadrangular and oval form, the pyramidal mounds, and the tumuli in the form of truncated pyramids have been found in various parts of the North American continent, particularly in the south and west of the United States; but the animal-shaped mound appears, if not peculiar to Wisconsin and its neighbouring region, at least to be more frequently met with here than in any other portion of the Union; it is certain that the animal form does not prevail in the Indian monuments within the valley of the Ohio.

Many, if not all of these mounds, are depositories of the dead; but although the Indians of the present day often bury their dead in an ancient mound, should one be in their neighbourhood, yet they have no tradition among themselves, of the nation, or race by whom these mounds were originally constructed. It is related by intelligent Indian traders, that a custom once prevailed amongst certain tribes, on the burial

of a chief or brave of distinction, to consider his grave as entitled to the tribute of a portion of earth from each passer by, which the traveller, sedulously carried with him on his journey. Hence the first grave formed a nucleus around which, in the accumulation of the accustomed tributes of respect, thus paid, a mound was soon formed; and, as the earth was often carried to the grave from some distance, the absence of neighbouring cavities, from which the material of the mound might have been taken, may be accounted for. It also became an honourable distinction for other dead to be buried by the side of the chiefs so deposited in the first mound; and as the custom of earthy tribute continued, the mound increased in size, and the irregularity in the shape and size of the burial places, may thus in a measure be explained. It is also said, that the dishonoured dead, such as those who had committed crimes, were stigmatized by the heaping of stones on their graves, and the custom of adding a stone, by the traveller, to the unhonoured *cairn*, was observed with as much attention as that of heaping the handful of earth on the remains of the chieftain.

Père Lafitau in describing the Great Feast of the dead, among the Iroquois, says, that they have a custom, at certain intervals of many years, of disinterring all the dead who had been inhumed during the past interval, and each family brings the fragments of remains, the skeletons, the half putrid corpses, and the late dead, of their own kindred, to one general assemblage; and after having been exposed for some days on stages erected for the purpose, during which time the feasting and dancing, and other ceremonies in honour of the dead have their celebration, the numerous remains of the deceased, of all ages, who have died in the lapsed period, are gathered into one common depository.[1] Will this custom throw any light on the subject of the extensive burial mounds of the Ohio and the Mississippi?

The mounds of Wisconsin are very numerous along the

[1] Mœurs des Sauvages Ameriquains Comparèes, &c., &c.

track of the military road from Fort Winnebago to Prairie du Chien, particularly on that portion between the Blue Mounds and the Four Lakes, and in the immediate vicinity of these lakes. They are of various forms or shapes, generally raised from three to five feet above the surrounding ground, and as has been often ascertained by digging into them, the earth of which they are composed is entirely different in colour, and consistence, from that of the land adjoining, and beneath the raised mound. Besides the conical or round mounds, and others in the shape of crosses, it does not require any stretch of the imagination to assimilate the configuration of many of these mounds to the effigies of the buffalo, the fox, the bear, the deer or elk, the beaver, or otter, the lizard, the tortoise, the eagle and other birds, different animals with extended tails, and of men with arms and legs outstretched; and *all* recumbent. Sometimes the mound is built in an elongated form, in the manner of a breast-work, and of this description some are found so disposed in their proximate locations as to resemble a studied fortification both for defence and aggression.

Of the breast-work form, one is found at the foot of the Pine bluff, near the head springs of Sugar River about fifteen miles west of Madison; this is about two hundred and twenty yards in length, with a gap or interruption near the centre, opposite to which is a buffalo-shaped mound, and a similar one, a small distance farther east. Below this point some three miles, are several conical mounds, situate on the high prairie above the banks of Sugar River; they are visible, as land-marks for a considerable distance, and give their name to "Seven Mound Prairie."

Around the Fourth Lake, and especially on the northwest shore, are found many of the animal-shaped mounds, and some of the conical form; of these latter I (W. R. S.) opened one, which was about eight feet in height; this was in the summer of 1837. At the depth of about five feet from the summit, were found several pieces of broken pottery, which had apparently been glazed or polished on both sides; also

some agate arrow-heads, and finally the scull, and some of the bones of the hands, and the clavicles of a human skeleton. Probably more than one body had been deposited there, but search was not made. It was remarkable that there was no contiguous spot, whence the earth to form the mound, had apparently been taken, and such is generally the case with these structures; they are raised several feet above the surrounding level, and no neighbouring depression or cavity, whence earth had been removed, appears. In the vicinity of the lake shores, the sub-soil is coarse sand, gravel and shingle, whereas the mounds in the same vicinity are composed of a reddish brown, rich soil, very friable, and devoid of extraneous matter, as if it had been sifted.

On the old road from Madison to Mineral Point, three miles west of the village, north of, and opposite the farm of Abel Dunning, Esq., the track formerly passed along, and between two rows of round mounds, apparently at equal distances apart, and opposite to each other; the road being about thirty feet wide, and the mounds about the same distance from one to the other. In frequently passing between these regular rows of mounds, I could not refrain from fancying that I was traversing the street of an ancient village, or perhaps the burial ground of its former dwellers; the grass-covered eminences might well represent the ruined and deserted hearths of a once numerous tribe of people, and equally well designate the final resting place of their dead. I have on more than one occasion counted from fifty-six to sixty of these mounds, lying on both sides of the commonly travelled road, and there may have been more; others are certainly in their immediate vicinity.

The mounds of Wisconsin range in their height from three feet to ten feet above the surrounding surface, seldom exceeding the latter, and this height is confined to the round or conical mound; those of the animal-shape are lower, and in all instances recumbent; the backs of the figures are generally placed toward the rise of the ground, and the feet in the down-hill direction. It may be observed that in the effi-

gies of the animal supposed to represent the buffalo, the *hump* is almost always absent; and that in all cases, as the animals are delineated in a recumbent position on the prairie, only one fore and one hind leg are shown, except in the configuration of the tortoise, where four legs are distinctly marked.

These mounds have been visited by a few scientific men, but they are too often looked upon by the inhabitants of their immediate localities with an incurious, if not a skeptical eye; and yet, to use the language of Dr. Locke in his report made in 1840, on the geological survey of this region of country, speaking of the animal mounds, he says, "the geologist suddenly and unexpectedly meets with these groups of gigantic basso-relievos, which appear to him as decidedly artificial as the head of Julius Cæsar on an ancient coin, notwithstanding any thing which may be imagined or said to the contrary."

In February, 1838, Mr. Richard C. Taylor visited Wisconsin, and in his publication of "Notes on the Indian Mounds and Earth-Works in the form of Animal Effigies," in the section of country between the Blue Mounds and the Four Lakes, he makes the following remarks:—[1]

"The circular tumuli of the Wisconsin prairies are commonly about fifty feet in diameter, and are not elevated, in general, more than ten or fifteen feet above the surrounding level, but often not half so much.

"Those in the form of parallelograms, are seldom less than one hundred feet long, and are occasionally seen much longer, as in the case of one, which is six hundred feet in length; perhaps in this instance it was thrown up as a defensive earth-work, as its situation seems to indicate.[2]

"The earth-works which have been constructed in the shapes of animals, abound in the Iowa district of Wisconsin. They occur mixed with the other varieties, in great numbers around the high-lands which skirt the 'Four Lakes,' forming a spe-

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[1] Silliman's Journal, vol. 34.

[2] At the foot of the Pine Bluff, near the head of Sugar River.—W. R. S.

cies of alto relievo, of gigantic proportions. This district appears to have been much resorted to by the early tribes, whose relics we here behold, mixed with those of the modern Winnebagoes. At one spot alone, at least one hundred tumuli may be counted. The Indian path along which we passed, has, for nearly half a mile in length, a series of these, mixed with circular mounds in tiers, several deep, on both sides; forming a cemetery, in magnitude of itself sufficient, one would imagine, for the chiefs and warriors, and their descendants, of a whole tribe, if such was the original design of these earth-works. On the summits of some might be seen the recent graves, protected by pallisadoes, of the last Indian possessors of the soil.[1]

"About eighteen miles west of the Four Lakes, and seven miles east of the two remarkable natural hills called the Blue Mounds, there is a singular group of mounds, comprehended in an area about two thousand three hundred feet in length. In this group are seen the effigies of at least six quadrupeds; six mounds in parallelograms; one circular tumulus; one human figure; and one circle, or ring, which may have been formed by the Indians in their dances, whether peaceful or warlike; or may have been occupied for some such purpose, in by-gone times, as the torturing and destroying of their prisoners. The great Indian trail, or war-path, which leads from Lake Michigan, near Milwaukie, to the Mississippi, above Prairie du Chien, passes along the edge of this chain of earth-works, and is now for many miles adopted as the route of the military road to the latter fort."[2]

Mr. Taylor accompanied his notes with plates of the figures of these effigies, with their true admeasurements and locations, from actual survey. He says:—"The respective dimensions of these animal effigies in our ground-plan, are 90, 100, 102, 103, 120, and 126 feet in length; all of them apparently represent the same description of animal. We were rather

[1] Three miles west of Madison.—W. R. S.

[2] The great western road still passes these mounds.—W. R. S.

inclined, however imperfect the representation, to attribute the intention of the constructors to be that of exhibiting the buffalo.

"In the midst of this group is the representation of a human figure, lying in an east and west direction, the head toward the west, and the arms and legs extended. Its length is one hundred and twenty-five feet, and it is one hundred and forty feet from the extremity of one arm to that of the other. The body, or trunk, is thirty feet in breadth, the head twenty-five feet, and its elevation above the general surface of the prairie, is about six feet. Its configuration is so distinct, that there can be no possibility of a mistake in assigning it to the human figure.

"The circular tumulus in the centre is the highest, and overlooks the whole group. There is nothing remarkable about the oblong mounds. Whether all, or any of these earthworks contain bones, we had no opportunity of determining; they probably all do.

"The site of this interesting series is an elevated, open prairie, on the dividing ridge between the waters of the Wisconsin and Rock Rivers. These monuments are covered with the same green carpet of prairie grass, intermixed with bright and brilliant flowers, as the prairie itself. There is an intervening space near the centre of the group, now overgrown with bushes, which probably conceal some unnoticed mounds."

The above group of mounds I visited in 1837; they still remain in the same condition now, (1853,) as then, except that the constant travelling has worn down part of one *arm* of the human figure, over which the great western road passes. It is probable their traces may soon be disfigured, or entirely lost, as the cultivation of fields already has approached them within one or two hundred feet.—W. R. S.

Another of these human figures is thus described from actual measurement made by Stephen Taylor, Esq.; the figure is recumbent with arms and legs outstretched.

"This figure forms one of an extensive group of these

works, of various shapes, situated upon section thirty-five in township nine, of range one, west of the fourth meridian; and in the margin of the forest, having large trees growing upon it. It is truly a giant, and measures from the extremity of one arm, over the breast to that of the other, two hundred and seventy-nine feet eight inches; and from the top of the head to the end of the trunk, one hundred and eleven feet three inches; over the hips, twenty-eight feet; its legs in length are fifty-four feet ten inches; the shoulders, head and breast are elevated four feet above the adjacent surface; from thence to the extremities of the limbs the elevation gradually diminishes to one foot. Bearings, north and south, the head to the southward. The human figures generally do not seem to be as well proportioned as those in the form of quadrupeds."

Among the drawings from which the plates are engraved, which accompany Mr. Stephen Taylor's communication in Silliman's Journal, is to be found one of the buffalo-shaped mounds, with the hump or raised back, and the head having protuberances resembling horns; but the head is blended with another figure representing the lower part of the trunk of a human being, therefore the horns are questionable, not being distinctly traceable to the head. The figure of a bear, measured from forehead to rump, fifty-six feet; and that of some description of quadruped, (probably intended for the wild cat,) being one of a group of three, closely resembling each other, lying in the western part of the village of Muscoda, Grant County, measured in length, from the front part of the head, to the end of the tail, two hundred and sixty-four feet. One of the figures supposed to represent the turtle, measured in length from the tip of the nose to its posterior extremity seventy-six feet; at this point it is eighteen feet in width, and over the projections representing claws, it is thirty-seven feet; the greatest elevation near the junction of the neck, is thirty inches, and at the narrow end fifteen inches; while the head, neck, and claws are only nine inches. The whole figure having a permanent coat of sward upon it, has retained its origi-

nal shape in great perfection. Bearings, east and west, the head to the eastward.

Mr. S. Taylor has delineated a singular human-shaped mound, the figure having two heads, gracefully reclining toward the shoulders, which he thus describes: The whole parts are gracefully rounded; the stomach and breast are corpulent; and the entire structure seems to have retained as I conceive its original form through all the dilapidations of time. The perfection of this truly singular and interesting specimen of ancient earth-works, is convincing evidence that the ancient inhabitants of this region were not as ignorant of the arts, as we have reason to believe the present race of Indians are; their works, however, prove that they possessed industrious habits, even if their labours had been bestowed upon objects of no apparent utility. The dimensions of this figure are as follows: widths, from one arm-pit, over the breast, to the other, twenty-five feet; over the arms at the shoulders, twelve, and tapering to four feet; over the hips, twenty feet; over the thighs near the trunk eight, and tapering to five feet; over the figure above the shoulders, fifteen feet; over each neck eight, and over the heads ten feet; lengths, of body, fifty feet; of legs, forty feet; of arms, one hundred and thirty feet; of necks and heads, from termination of dotted line (centre of junction) fifteen feet; elevation of breast, shoulders and abdomen, *thirty-six* inches; arms at junction with shoulders, same height, diminishing towards their extremities, where they are but ten inches; *the* thighs near the trunk, are twenty, while at the feet or extremities they are but ten inches. Bearings, north and south, the heads to the southward. This figure is situate on and near the east line of section thirty-five, in town nine, of range one, west of the fourth principal meridian.

Mr. Taylor observes, that from the excavations around many of the mounds in the group which he describes as being in the village of Muscoda, it is apparent that they must have been constructed with materials obtained adjacent to them. In this cluster of mounds, the distance from one extreme of

the series to the other, is about four hundred and sixty yards. The site here, is a beautiful level plain of arenaceous loam, being free from trees or shrubbery, so that a person from the eminence of the most prominent ones, may at a glance view the whole group. Human bones have been found in many of these mounds.

Mr. Richard C. Taylor in his description (formerly mentioned,) says, that in the effigies supposed to represent the buffalo, the *hump* is always wanting; we have seen that this, although generally, is not *always* the case, and perhaps the figure which we now denominate the buffalo was intended to represent some other animal. The group of bird-shaped mounds, probably the eagle, or crane, described as lying north of the Wisconsin River near Muscoda, Mr. Stephen Taylor was unable to discover; but eagle, or bird-shaped mounds are not uncommon in other parts of the country. The latter gentleman has given us the dimensions of a lizard-shaped mound, as being in length from one extremity to the other, one hundred and thirty-six feet six inches. Figures of this class are frequently found. He has also delineated a singular shaped mound, which can readily be assimilated either to the rude sketch of a human figure, a bird with expanded wings, or a bow and arrow, with the string at full tension, and the arrow about to be discharged. A remarkable earth-work of this latter description is mentioned by C. M. Baker, Esq., of Walworth County; he says, some Indian mounds or earth-works are to be found in the village of Geneva, and in other localities around Geneva Lake. At the above place are circular mounds, longitudinal embankments, and two specimens of earth-work in the form of lizards, each forty feet long. On a hill between Geneva Bay and Duck Lake, a little east of the road leading to Delevan may be seen an earth-work in the form of an Indian bow and arrow. The arch of the bow is about fifty feet, and the arrow lies across it, pointing toward the bay. Arrow-heads and stone-axes have been frequently found in Walworth County. (These

latter are common to very many locations in the State. W. R. S.)

Six miles west of the village of Madison, on the old Indian path (road to Mineral Point,) on the edge of the prairie, are two animal-shaped mounds probably representing foxes, with long tails; the path lies between the end of the tail of the one, and the point of the nose of the other. Mr. R. C. Taylor represents them as being respectively of the length of one hundred and twenty, and one hundred and two feet. In Dr. John Locke's geological report, is found the following description of these two mounds:

"Just at the entrance of this woodland, are the two figures sketched on the plate. The pathway passes, with scanty space, between the nose of the one and the tail of the other. These, as appears in the drawings, are the most perfect, if we consider them as "effigies" of animals, of any of the figures here represented, and are singularly alike in their form and dimensions. A short distance (500, or 600 feet) to the west of them is a natural swell of ground, with an artificial circular tumulus on the top of it, overlooking the two figures. Two trees, sixteen inches in diameter were growing in the nose of one of the figures; the ears were distinctly separated; these figures were the favourite resort of badgers, which, finding them raised and dry, have selected them for burrowing, and it is wonderful that they retain their outlines so perfectly." Dr. Locke accompanies his report with delineations of many of the animal mounds, and the particular dimensions of one of the above two mounds, as determined by a series of triangular admeasurements. Their respective lengths from tip of the nose to end of the tail were one hundred and six feet, and ninety-six feet; the diameter of the neck, thirteen feet; of the fore leg, eleven feet; of the body, fourteen feet; of the hind leg, nine feet nine inches; of the tail, eight feet."

In his genaral remarks on the subject of these earth-works, Dr. Locke says, "The figures given by Mr. R. C. Taylor are so unlike any ancient tumuli in other parts of the country,

that I had, ever since noticing them, felt a strong desire to examine the originals. On entering Wisconsin, I was so engaged in other pursuits, that I had forgotten the 'effigies,' until upon examining the 'sand-stone bluffs' (Pine bluffs,) eight miles east of the Blue Mounds, I literally stumbled over one of them, overgrown with the rank prairie-grass. I was at once convinced of the correctness of Mr. Taylor's representations, and not a little astonished that some well-informed persons, there, in the midst of these strange groups, should still pretend to dispute their artificial origin. The same ambition to exercise an independent judgment, might lead the same individuals to dispute that the ruins of Herculaneum are artificial; the same argument might be used—'that they just come so in the earth.'

"In examining the tumuli of Wisconsin, I did not at any place discover a ditch or cavity from which the earth to construct them had been taken. They abound along the natural road, occupying the fertile and commanding hill-tops and the gentle slopes into the valleys; being uniformly raised from a smooth and well-formed surface, always above inundation, and well guarded from the little temporary currents produced by showers.

"On one of the hills I saw an embankment exactly in the form of the cross, as it is usually represented as the emblem of Christianity. Some of the surveyors brought in sketches of works in the form of birds with wings expanded; and I heard of others in the form of lizards and tortoises. From what I have seen, I should think it very probable that these forms are to be found. Mr. Taylor suggests that some (delineated by him) were intended to represent the buffalo, though he acknowledges the representation to be imperfect, especially in wanting the 'hump.' It appears to me, that such (as referred to) might have been intended as effigies of the bear; the clumsy proportions and want of the caudal appendage appear like that animal. Some figures appear intended for the Cougar or American tiger; the only general disproportion to that animal, is the length of the head."

Mr. H. B. Staines, of Sauk county, in December, 1851, writes as follows: "In building the Sauk Mills, four miles from the villages of Westfield and Prairie du Sac, on the Honey Creek, I had occasion to haul off a few of the largest Indian mounds found there, for the purpose of making a dam, as I found, on opening one of them, that they are composed of a tough, light coloured clay; the rest of the ground surface being sandy, I was surprised that the mounds only were clay. As soon as I came to the level ground, the clay disappeared, leaving in my mind the impression that the clay was brought there, and deposited for some purpose. We found the skeleton of one man only; it was entire, but crumbled up soon after exposure. There was nothing else, except a considerable number of spear and arrow heads, of flint, well formed."

That the mounds of Wisconsin, in common with the tumuli of other parts of the North American continent, are generally sepulchral, there is no reasonable doubt, that can be either entertained or supported. Colonel Petitval, of the United States Topographical Department, in the summer of 1837, was engaged in a survey of the Fox River. He describes an immense assemblage of these mounds, at a point on that river, called the Red Bank, extending far into the interior, both north and south, for an undetermined distance. Twelve of the mounds at this place were opened under his direction, among which was an animal mound, one hundred and fifty feet long. All of them contained human bones, in a very decomposed state. The excavation was carried along the entire length of the animal mound, that is, from one extremity to the other, and bones were found abundantly. The number of individuals buried in some of these earth-works must have been very great. Perhaps they each formed the cemetery of a family, in those cases.[1]

The result of recent examinations of many of the Fox River mounds, shows satisfactorily that the animal-shaped

[1] R. C. Taylor.

earth-works contain human bones equally with the round tumuli. These bones were found in a very brittle and decomposed state, having roots and fibres growing through them, and were distributed commonly through every part of the mounds. These researches also threw some light on the mode adopted in the construction of these monuments; for it became evident that the bones or bodies of the deceased were originally laid upon the surface of the ground, and the earth was then heaped upon them. No appearances occur of graves being dug beneath the surface in the first instance. Upon the summits of many of the original tumuli, it is evident that the remains of other deceased persons have been subsequently placed; and a new heaping up of soil thereon contributed to augment its former height. Finally, the wandering Menominee or Winnebago, the last Indian occupant of the prairie, excavates a grave upon the summit, places the body therein, in a sitting or reclining posture, and strongly defends it with strong pickets.[1]

Mr. Bringier, describing the Indian mounds in the region of the Mississippi, states that from Red River to St. Louis, a distance of five hundred miles, and in breadth, eighty to two hundred miles, mounds constantly occur, and for the most part are systematically arranged, and contain human bones, and other traces of man. This writer suggests that they may be the ruins of ancient dwellings, constructed on the old Mexican plan of large bricks, and were covered with earth, which, mouldering down, left mounds in such abundance that the traveler is never out of sight of them. What an immense population, he observes, must have occupied these dwellings, which cover so large a portion of the surface of this region.[2]

That some of the earth-works in the southern part of this continent, are attributable to such an origin, appears to be the opinion of other investigators. Professor Raffinesque, on the authority of Mr. Rhea, states, that in an ancient walled town, near Columbia, in Tennessee, are the ruins of many

[1] R. C. Taylor. [2] Silliman's Journal, vol. iii. p. 37.

"houses of various sizes, from ten to thirty feet in diameter, all of circular form."

We have said that the animal-shaped mound is peculiar to Wisconsin, and this region of country; Colonel Long, in the narrative of his second expedition, alludes only to the ordinary circular tumuli, in the relative position of which, says the editor, "we could discover no order or plan." On the banks of the Miamis, a group of one elliptical and four circular mounds is described; on the Fox River of the Illinois, Colonel Long saw many mounds, counting twenty-seven at one spot, arranged with a certain degree of regularity, "varying from one, to four and a half feet in height, and from fifteen to twenty-five feet in length. Their breadth is not proportionate to their length, as it seldom exceeds from six to eight feet;" other mounds are described of an oval form.

The square and pyramidal mounds occur most frequently in the South; and Dr. McCulloch, in his "Philosophical and Antiquarian Researches into the aboriginal History of America," observes that there seems to be a material difference in the construction, and position of the mounds in Georgia and Florida, from those of Ohio, Kentucky, &c. Mounds having an exact rectangular form, are described by travellers as existing in Tennessee; the conical form is most prevalent in Ohio; Mr. Atwater has described many of these, and Dr. Drake, among others, has given the details of four elliptical mounds within the limits of the city of Cincinnati; Dr. Kain has described a group of six tumuli, in East Tennessee, in the form of truncated pyramids.[1]

That the more ancient form of burial upon the surface, and of accumulating the soil over the remains of the dead, was not universal among the tribes of America, appears from the examination of some antiquities in Tennessee, by Mr. Rhea; where, within the ruins of an ancient town or village, fortified with walls, "graves are found in abundance, from one to three feet in depth, containing human bones. The bodies

[1] R. C. Taylor.

seem generally to have been buried in a sitting posture, with flat stones placed around and over them. I observed a grave or sepulchre of this kind on the summit of the natural hill, of lime stone, called Sinsinawa Mound, a few miles north of Galena."[1] This was in all probability a modern grave, made by the present race of Indians. (W. R. S.)

The Wisconsin mounds are burial places, *heaped up* from the surface; Dr. Locke, after examination of the structure of these eminencies and effigies, says:—"In the midst of some discussion with regard to the tumuli, they were opened to see whether they were stratified, and whether the black mould continued underneath them, even with the surrounding surface. One was composed of sand, without any change to mark an original surface below, although it is now overgrown with grass, and is covered with a thin black mould. The whole of the descent, near the bottom of which the figure lies, has evidently been formed by the disintegration of the soft, incoherent sandstone bluff contiguous; and at the time of forming this tumulus, it was very probably destitute of loam at this point, as it now is at a point still nearer the bluff. A section of the embankment, near the gap, exhibited a thin line of loam, even with what might be supposed the original surface of the ground. Alluvial stratification is positive proof that a formation is not artificial. But the absence of a base of mould is not positive proof of the same thing; for the constructors may have removed the surface on commencing their work. Many of our tumuli have not only a base of mould marking an original surface, but ashes, coals, bones, and artificial implements deposited at the bases of tumuli, of various forms and heights, from two to seventy feet.[2]

Much has been done by Messrs. Richard C. Taylor and Stephen Taylor, Esqs., and Dr. John Locke, to preserve the memory of these interesting monuments of antiquity, so peculiar to this region of country; their respective faithful delineations, and full descriptions of very many of the animal-

[1] R. C. Taylor. [2] In Owen's Geological Report, 1840.

shaped mounds, are to be found in the 34th and 44th volumes of Silliman's Journal, and Dr. David Dale Owen's report of a Geological exploration of part of Iowa, Wisconsin, and Illinois, made to the Commissioner of the General Land Office, in 1840. In this report is found Dr. Locke's description, in which he says:—"The reader will please to observe that these observations were made, as it were by stealth. I had other duties to perform, and was enabled to take these measurements by an enthusiasm, which awoke me in my tent at midnight, assisted me to prepare my breakfast before day, and sent me into the cold bleak fields, on a November morning, to finish the admeasurements of a whole group of figures, before the usual time of commencing the labours of the day. I had no time to turn aside to examine still other groups, evidently more extensive and interesting than those which we have endeavoured to represent. Mr. Taylor has represented the effigies of birds, and one of the human figure, as occurring here; and I am happy, with a full conviction of the general accuracy of his representations, to call the reader's attention to his interesting paper.

"I have exhibited, as well as circumstances would permit, the result of a few hours' very hard labour, in the examination of the antiquities of Wisconsin, with the faint hope that from some source or other, there may emanate an interest sufficient to cause an *accurate* and general survey and history of them, to be embodied and preserved. I know of no prospective volumes which I should open with more interest, than an accurate representation of all our remaining earth-work antiquities."

In the report made by the agents of the general government, of their explorations of the region around Lake Superior, in 1850, it is remarked, that traces of tumuli constructed in the form of mathematical figures have been observed, but not sufficiently explored to determine absolutely, whether they be the work of art, and if so, for what purpose they were intended. A tumulus on the right bank of the Ontonagon River, six miles above its mouth, is forty feet high, and nearly

circular: another tumulus or mound is situate on the north-east quarter of Section No. 16, Town No. 50, of Range No. 39, near a small stream; this mound is ten feet high, in form of a square, whose sides are fifteen feet in length; it is flat on the top, and the sides slope gradually to the base.[1] A mound of such structure may well be classed with the Teocalli of Mexico, the houses of the gods, or places of worship or of sacrifice.

The tumulus at the Great Butte des Morts, in Winnebago county, has been undoubtedly erected for the purposes both of burial-place and monument; it is literally "the hill of the dead:" the earth has not only covered the bodies of warriors slain in battle, but it has been raised up as a record of events disastrous to the Outagamie tribe of Indians, whose principal village, at an early period, was near this place on the Fox River. This mound is nevertheless to be considered as a modern structure, because the time of its erection, or at least the event which it commemorates, can be referred to, if not in correct history, at least in traditionary account. Here, it is said that the Foxes had their strong hold, and from this point not only were predatory excursions made against the neighbouring tribes, but the early French traders were compelled to submit to exactions from these Indians in their voyages along the Fox River. It thus became necessary for the French to inflict such a punishment on the Outagamie tribe, as should be the means of deterring them in future from their depredations on the traders. Accordingly, in 1706, an expedition under Captain Morand was sent from Michillimackinac against them, and in the attack upon them, by surprise, at this, their stronghold, more than one thousand of their warriors perished; and the great "hill of the dead" was raised over their bones by the survivors, who in a few years afterwards left this part of the country and removed farther to the west. Other accounts differ in regard to the time when the great battle was fought, which nearly destroyed the tribe,

[1] Foster and Whitney's Report, vol. i.

and caused their removal; but all agree that the mound was raised, and received its significant name from such an event.

The question of these mounds being burial places, in most instances, has been settled, as the fact has been established, by the finding of human bones wherever they have been opened. Perhaps, in some instances, the animal shaped mound may have been a monument, although not a grave; but by what people, and at what period, they have been constructed, are inquiries which in all probability can never be answered satisfactorily. It is very certain that no existing tribe of Indians in this section of country has any traditionary knowledge of the builders of the mounds; it is true that either a knowledge of their being depositories of the dead, or their localities and appearance being favourable in the estimation of the present races for burial spots, these mounds are to the present day frequently made use of for that purpose. But the modern grave is readily distinguished from the ancient depository of the dead; and if these mounds had been constructed for such purposes by the ancestors of the present races of red men, most surely some tradition of the fact would still remain amongst them. On this subject they are not only wholly ignorant, but they have not even framed a fable. They look upon these vestiges of an ancient people, if not with as much curiosity as we ourselves do, at least with no more correct information concerning them.

Why should not these animal-shaped mounds be considered as possessing a strictly heraldic character? There would be little difficulty in assigning to them such a symbolic meaning, if they could be considered as the final resting-places of such Indians as bear the modern names of the Little Turtle, the Bear, the Buffalo, the Eagle, the Little Crow, the Watchful Fox, the Snake, the Deer, the Warrior, the Black Hawk, the Wolf, the Panther, and the Alligator; many of the mounds resemble figures to which such nomenclatures may be well applied. But the earth works belong to a period when a different race existed; and yet the names of individuals, and

of tribes or clans, may have been in like manner conferred and held, in ancient as in modern times. The writers most familiar with Indian history agree, that all the Indian nations are divided into tribes after the manner of the Jews; and even without referring the descent of the aborigines of this region, or of the mound builders, to the lost ten tribes of Israel, we may in all reason consider them as possessing, each tribe or clan, its peculiar Do-daim or Totem, Badge, or warlike and heraldic banner; its *seal* and outward designation. If not belonging in general to a whole tribe, such designating symbol may with like reason be assigned to a distinguished individual; and as in life he may have borne the name, so in death, the raised, animal-shaped mound, may have been intended to honour and perpetuate his memory. The deeply investigating and accurate Schoolcraft, having become satisfied that these eminences are in general, burial mounds, does not speak with certainty on their origin; he merely says: "The animal-shaped mounds may be supposed to have been erected to perpetuate the memory of great hunters who bore the *names* of the animals imitated."

But why should we indulge in fruitless conjecture, in the absence of facts, internal evidence, or tradition, in relation to the "builders and their works" of these vestiges of past ages? Their existence in the woodland and in the plains is everywhere obvious to the naked eye, without demanding the least investigating research; their peculiar forms are readily traced, and although rudely sketched, have so life-like an appearance of an intended animal, as not to require a fanciful imagination to fill out the picture. The tumuli of Europe and of Asia may have place in their category, but it is not alleged that the animal-shaped mound has been found in those quarters of the globe. A single passage in the Holy Scriptures is found, wherein works in the form of mounds is spoken of, which passage may be construed to instruct the wandering Israelites to establish mounds to guide them on their return to the land of their nativity. "Set thee up way-marks, make thee high heaps; set thy heart toward the high way, even

the way which thou wentest: turn again, O virgin of Israel, turn again to these thy cities."[1]

We may with truth say that these earth works combine all that is left of the power, the intelligence, the labour, and the life history of the ancient occupier of our soil. No tradition deposited in the memory of his descendants has travelled down the course of time! Alas! he has left no descendant who can trace back the history of his fathers! Nevertheless he has been busy in his allotted time and place in creation: —he has constructed lines and ridges of upraised earth, probably as well for aggression as defence;—he has walled in his dwelling, or his town, for his safety and protection; he has devoted his genius, his time, and his labour, to the formation, from their original earth, of the rude artificial resemblances of birds, of reptiles, of beasts, and even of man himself;—in the wild exercise of his imagination, he has magnified all these in their respective proportions, and has built up other strange figures that have no types in creation;—he has multiplied these artistical works in countless numbers, and has spread them out over the broad and grass-grown prairies, and in the primeval forests, or where succeeding forests have grown upon and covered them;—in his ingenuity or extent of laborious industry, he has so constructed these works, that apparently no earth has been removed from their vicinity to raise them above the common surface;—and finally he has built the burial mound of his family and of himself, in which is contained, the first, the last, and the sole record that time has left to us, of the aborigines of Wisconsin!

## CARVER'S GRANT.

The maps of the United States, for nearly half a century, (until within a short time past,) had, in the delineations of this quarter of the country, always marked upon them certain

[1] Jeremiah, xxxi. 21.

lines embracing a large district of territory, and denominated as "Carver's Tract." Immediately on the organization of the Territory of Wisconsin, a new edition of "Carver's Travels in the Interior of North America," was published in New York, under the title of "Carver's Travels in Wisconsin." The last English edition of this work was published in 1781, and the new American edition of 1838, contained, besides its new title, an extended statement of the claims of the representatives of Captain Jonathan Carver to the tract of country alluded to, but did not set forth in any manner, or by any allusion thereto, the action of the Congress of the United States on the subject of "Carver's Claim." The continued delineations on the maps of the United States, of such an unacknowledged claim, and the republication of an old work with a new title, setting forth such claims in an *ex parte* statement, and exhibiting the same to the world of speculation, at an auspicious time, are matters intended to deceive the ignorant and unwary, who might be inclined to make purchases of land in this region of country. The originators of such schemes, perhaps, are only known to map makers, and persons who caused the publication of "Carver's Title" in the new edition of his book of travels; one matter is absolutely certain, that in "Carver's Travels," as published *by himself*, in his lifetime, accompanied with a "map" of this part of the country, drawn *by himself*, there is not a single word said, nor is there a solitary hint given, or line drawn on his map, to lead any one to believe, or even conjecture, that such a grant ever had been made to him.

The existence of the claim, in the hands of Carver's representatives, since his death, and the attempts which have been made to induce the Congress of the United States, either to confirm the Indian grant, or to compensate its supposed owners for the loss of the land, have given the subject an importance sufficient to entitle it to a full investigation, and a place in the annals of Wisconsin.

Jonathan Carver was a native of Connecticut, born in 1762; and having in early life entered the British army as an en-

sign, rose to the rank of captain. He was not only a brave man, but was always considered a man of integrity, and of great moral worth, by his cotemporaries; that he possessed great energy, and a spirit of enterprise, his researches among the Indian nations of the Upper Mississippi, in the years 1766, 1767, 1768, give ample evidence; the result of his observations was published by himself, in London, on his return, and a second edition was published in his lifetime; he died in January, 1780, in London, and a third edition of his "Travels through the Interior Parts of North America," was published there, under the editorship of Dr. John Coakley Lettsom, in March, 1781. In this edition, the editor gives some account of the author's life, wherein is found the first notice of the "Indian deed," the original of which, Dr. Lettsom says, is in his possession, and the following remark is made, respecting the grant:—

"From Captain Carver's long residence in the neighbourhood of Lake Pepin, among the Naudowessie and Chippeway Indians, he acquired a knowledge of their languages, and an intimacy with many of their chiefs, which, with his spirited and judicious conduct in acting as a mediator between these two nations, conciliated their attachment and friendship; and as an acknowledgement of their grateful sense of his happy interference, the Naudowissies gave him a formal grant of a tract of land lying on the north side of Lake Pepin. The original, duly subscribed by two chiefs, is in my possession, and as an Indian deed of conveyance may prove a curiosity to many readers, I shall here insert a copy of it."

Accordingly, Dr. Lettsom publishes a copy of the deed, and, as far as the public is concerned, this is the first notice that is given, of the existence of such a document, or that such a grant was ever made; for Captain Carver has never, in either of the editions of his book, in any manner whatever, mentioned such a grant, or alluded to such a deed; but so far as the representatives of Carver, and the claimants under the deed are concerned, it would appear from the statements of the Rev. Dr. Samuel Peters, (himself a principal claimant, at

a subsequent period,) that Captain Jonathan Carver arrived in London in 1770. "In 1774, I (Dr. Peters) arrived there, and met Captain Carver. In February, 1775, Carver had a hearing before the king (George III.), at Whitehall, on his petition praying his Majesty's approval of a deed of land, dated May 1st, 1767, sold and granted to him by the Naudowessie chiefs."

Let it here be remarked that Dr. Peters, in his examination before a committee of Congress, in 1806, in reference to this claim, says, on his oath, "that the names of the two Indian chiefs, and the deed were in the handwriting of Captain Carver, without any witnesses to the deed. That Carver told him he had only one Canadian Frenchman, and one Indian guide with him, when the deed was made, neither of whom could read or write, therefore there were no witnesses annexed."

DEED.

To Jonathan Carver, a chief under the most mighty and potent George the Third, King of the English, and other nations, the fame of whose courageous warriors has reached our ears, and has been more fully told us by our good brother Jonathan aforesaid, whom we rejoice to see come among us and bring us good news from his country. We, chiefs of the Naudowissies, who have hereto set our seals, do by these presents for ourselves and heirs forever, in return for the many presents, and other good services done by the said Jonathan to ourselves and allies, give grant and convey to him the said Jonathan, and to his heirs and assigns forever, the whole of a certain tract or territory of land, bounded as follows: (viz.) from the Fall of St. Anthony, running on the east banks of the Mississippi nearly south-east, as far as the south end of Lake Pepin, where the Chipeway River joins the Mississippi, and from thence eastward five days' travel, accounting twenty English miles per day, and from thence north six days' travel, at twenty English miles per day, and from thence again to the Fall of St. Anthony, on a direct straight line. We do for

ourselves, heirs, and assigns forever, give unto the said Jonathan, his heirs and assigns forever, all the said lands, with all the trees, rocks, and rivers therein, reserving for ourselves and heirs the sole liberty of hunting and fishing on land not planted or improved by the said Jonathan, his heirs and assigns; to which we have affixed our respective seals, at the great cave, May the first, one thousand seven hundred and sixty-seven.

Hawnopawjatin his mark.

Otohtongoomlisheaw his mark.

The original deed was lost, or stolen, while in the possession of Dr. Lettsom. On an application made to him, in 1804, by Dr. Peters, to procure the paper, Dr. Lettsom stated that it had been taken out of his possession, by some person not in his power to discover, yet he had reason to believe one of his servants had been hired to steal it, because all other papers belonging to Carver were still with him.

The authenticity of the copy which is given above, is thus certified:—"I certify, that the printed copy of a grant of land in America, by two Indian chiefs, to Captain Jonathan Carver, deceased, prefixed to his travels, published in London, in the year 1782 (qu. 1781), was literally and accurately copied from a manuscript paper in the possession of his widow, Mary Carver, who declared to me that it was an original grant conveyed to her husband, by the said Indians named in the printed copy, with the fac simile, or mark of each Indian."

London, January 31st, 1804.

(Signed) John Coakley Lettsom.

Attest, Samuel Peters.

The Reverend Samuel Peters, LL.D., testifies, on the 19th of April, 1805, at London, that "Captain Carver often showed him his papers, and among them was a deed of a large tract of land lying on the east side of the Mississippi, and adjoining to the Falls of St. Anthony, granted to said Carver by two Indian chiefs, and signed with their signets, one marked in shape of a mud turtle, and the other a snake, with Indian ink. That Carver told him the deed was genuine, and was verily signed by the two sachems, whose names were annexed to their signets; that said deed had been laid before his Majesty, Lord Sandwich, and Lord North, &c., &c., who doubted not its authenticity, though without witnesses, because the signets were marked with such ink as was not known to them, and could not be imitated, as they believed, by any person in Christendom. That Government promised Carver the royal ratification of said deed, and had omitted doing so only because of the troubles then existing in America. That he (Dr. Peters), and Dr. Lettsom attended Captain Carver in his last sickness, and he heard Carver express his hopes that his Majesty would ratify the deed for the good of his children, and for the good of the nation: as a settlement in that quarter, by the English, would secure the friendship and commerce of the Indian tribes to the Western ocean, and tend greatly to civilize an innumerable multitude of innocent and ignorant people."

Dr. Peters afterward, in 1806, testified before the Committee of the Senate of the United States, on this claim, that Carver's papers were committed by himself, during his last sickness, to Dr. Lettsom, and that he wished the petition to be pursued by Dr. Peters, and the ratification of the deed secured, for the benefit of his children and country. That Dr. Lettsom hired an engraver to take off the signets of the two Indian chiefs, and had them printed with the Indian deed, in the third edition of Carver's Travels.

Dr. Peters further testifies, that he was in London in 1774, and saw Captain Jonathan Carver, and knew that he had laid a petition before his Majesty, George III., praying the ap-

proval and ratification of the deed of the two Indian chiefs of the Naudowessies to Captain Carver, dated at the Great Cave, May 1st, 1767, which could not be approved of, or ratified by any governor in any of his Majesty's colonies in North America, because the land laid not within any British colony; and all governors were forbid, by a proclamation of king George III., dated October 7th, 1763. That the king and lords of his council held a court in February, 1775, on Carver's petition, and ordered Carver, Mr. Iron, his counsellor, learned in the law, and Dr. Peters, to attend, and they obeyed. The court asked Carver, "Is this deed from the two sachems to you, genuine, bona fide, upon your honour?" Carver answered, "Yes, genuine, bona fide, upon my honour." After many other questions to Carver, the court asked Mr. Iron, "As you have drawn Carver's petition, and seen all his papers, have you discovered any reason why the prayer of Carver's petition ought not to be granted?" Mr. Iron answered, "I have not." The court then asked Dr. Peters how long he had known Carver, and what was his character. The Doctor answered, that he had known him from 1754—that he was the great grandson of Governor John Carver, that settled in Plymouth in 1620—that he was a brave officer, and had served in the war in Canada, in 1755, and was a man of moral character—that, after the peace of 1763, he had travelled in the northwestern part of North America, with two servants, one a Frenchman, the other a Mohawk, to visit the distant Indians, and discovered a country where no white man had ever been seen before.

The court then asked Dr. Peters, "Do you believe the Indians would give so much land to Carver for his services and presents?" He answered, "Yes; for the Indians are generous and grateful to their friends and benefactors, and Captain Carver was their friend and benefactor, and made peace between them and other powerful tribes, which was worth to them more than the territory given in their deed; and besides, the Indians had lands and wilderness enough, and they loved

Carver, and wanted him to settle and abide with them as a *sachem* and *protector*, which he promised to do."

They were then ordered to retire into another room, and after some time were again called before the court, and the minister said to Captain Carver: "His Majesty has graciously granted your petition, and has ordered a gratuity of £1373..6..8 to be paid to you, and that you prepare to sail for New Orleans next June, and take possession of your territory, with one hundred and fifty men, of whom you will be commander; and his Majesty will provide ships, men, and necessaries, to convey you there. Captain Carver received the money, and all things were making ready, when news arrived of the battle of Bunker's Hill, which put a stop to Carver's return. After leaving the court, Mr. Iron said to Captain Carver: "I give you joy; this is ratification sufficient of your deed from the two Indian chiefs."[1]

Petitions for a confirmation of this claim have at sundry times been laid before the Congress of the United States: In 1806, by Samuel Harrison, in behalf of the heirs of Captain Carver; in 1823, by the same person, and in the same behalf; and in 1825, by Dr. Samuel Peters, who alleges that he had acquired the title to a large tract of country usually called the "Carver grant," situate on the east side of the Mississippi River, "beginning at the Falls of St. Anthony, and running down the margin, nearly south-east, to the mouth of the Chippewa River; thence eastwardly, one hundred miles; thence north, one hundred and twenty miles; and thence on a straight line to the beginning."[2] In each instance of these petitions, committees of Congress were raised, and after full examinations of the allegations and proofs to sustain the claim, reports were made, and adopted unfavourable to the claim. It may here be observed that this so-called "Carver's grant, or tract," includes within its boundaries, the whole of

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[1] Land Laws, vol. iv.

[2] Dr. Peters' Testimony, ibid. Carver's Travels in Wisconsin, *new edition*, appendix.

the counties of St. Croix, Pierce and Clarke, a part of the county of Polk, and a great portion of the county of Chippewa, in the State of Wisconsin; together with a considerable portion of the southeastern district of the Territory of Minnesota.

When Carver died, in January, 1780, he left a widow and seven children, one of whom, Martha, resided in England, in the family and under the protection of Sir Richard and Lady Pearson, and was considered there, as his only child and heir. Martha Carver was induced to leave her respectable home, and marry an individual of low condition, a young sailor, a dependant on the mercantile house of Conly & Co., who then prevailed on her and her husband to take letters of administration at Doctor's Commons, on Captain Carver's estate. On the next day, the newly-married pair were prevailed on to execute a conveyance of the "grant" in question, to Conly & Co., reserving only one-tenth to Martha and her husband. After the sale, Conly & Co. despatched one Clarke as their agent, with goods and money nearly the value of £2000 sterling, to New York, from thence he was ordered to visit the Naudowessies, and procure a new deed of the land to Messrs. Conly & Co. Clarke, on his route towards Niagara, was waylaid, robbed, and murdered; the perpetrator of the crime was afterwards discovered, tried, convicted, and executed at Albany, but none of Clarke's property or papers were ever recovered, and it was generally believed that he had the original deed to Carver in his possession. Conly & Co. ceased to pursue Carver's claim any further, and when Dr. Peters asked Mr. Conly for the original deed, he declined giving him an answer, and said he had laid out £3000 in that business of Captain Carver.

The other six heirs of Captain Carver, namely, Jonathan Carver and Rufus Carver, his sons; Sarah Church, Abigail Goss, Mary King and Mindwell Gunn, his daughters, together

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[1] Dr. Peters' Testimony.

with the husbands of the three last-named (Sarah being a widow,) executed a deed of conveyance in fee, to Edward Houghton, of the State of Vermont, of all their respective rights and interests in the "Carver grant," as described in the Indian deed. The consideration of this conveyance is fifty thousand pounds sterling; its date is May 9th, 1794.

On the 20th of February, 1822, Edward Houghton and wife, by deed of conveyance, for the consideration of five dollars, granted the "Carver tract, as described in the before-mentioned deeds," to James L. Bell and Charles Graham, of the City of New York, and George Blake, of Boston, in trust for the use of the stockholders or associates of a certain unincorporated company, called the Mississippi Land Company of New York, and their heirs and assigns forever.

In the mean while the petitions on the part of the heirs of Carver were presented to Congress by Mr. Harrison, and Dr. Samuel Peters. It may have been considered that more favour would be shown to the children of Captain Carver than to Mr. Houghton, who had paid (according to his deed,) fifty thousand pounds for their claim. But Dr. Peters, in his petition sets forth, that in the month of November, 1806, he purchased of the heirs of Carver all their right to the "Carver tract," and obtained a deed therefor; these proceedings and conveyances present an appearance of fiction and speculation, without, however, materially affecting the original title. The committee of Congress say, that Dr. Peters did not exhibit the deed of conveyance to himself, although it is believed he has one.[1]

When Dr. Peters presented his petition in his own behalf, as having acquired the title to the "Carver grant," he produced much testimony in support of the claim under the Indian deed, in addition to *his own* testimony, which had been given on Harrison's petition; this corroborative evidence is to the following purport.

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[1] Land Laws, vol. iv.

A copy of an instrument, purporting to have been executed at Lake Travers, on the 17th day of February, 1821, by four Indians, who called themselves chiefs and warriors of the Naudowissie tribes. By this writing they declare a grant was made by their fathers to Captain Jonathan Carver, for a tract of land situate at the Falls of St. Anthony, and that they have a traditional record thereof. These chiefs acknowledge their willingness and desire that the title to the said lands should be vested in the associates of the Mississippi Land Company of New York. They pray their fathers at Washington to grant their request. This writing is signed by Ouckien Tangah, Tachachpi Tainche, Kache Nobine, Chateau Houmans, or Petit Corbeau.

Also sundry letters, which Dr. Peters had at different times received from gentlemen in the Upper Mississippi country. One appears to have been written from the Falls of Black River, on the 10th of November, 1819, by Constant A. Andrews, who states that a few days before, he had put in operation a saw-mill, thirty or forty miles from Lake Pepin, in an eastwardly direction; that seven chiefs of the Sioux nation gave him permission to settle and remain there for five years, which term the chief Lefei extended forever. He informs Dr. Peters, that it is certain the chiefs Lefei, Petit Corbeau, and Redwing admit the validity of the grant to Carver.

Another correspondent, named Keys, writes to Dr. Peters from Prairie du Chien, on the 7th of June, 1818, that he had seen Redwing, who had a distinct recollection of Carver; that this chief informed him, the Snake and Tortoise, who signed Carver's deed, were his uncles, and that he was willing to sanction their acts, although he could not do so, without consulting Lefei, and the Little Raven, (Petit Corbeau,) who outranked him.

Dr. Peters himself makes oath, that he had seen Lefei and Redwing, the heirs and successors of the two chiefs who gave Carver the deed; that they declared, through an interpreter, that it was good and valid, and the land covered by it, the

property of Carver, his heirs and assigns, who were at liberty to take possession of it in peace and quietness.[1]

Such was the evidence which was submitted to the consideration of the committees of Congress to support the claim of the "Carver Grant." The document of the four Sioux chiefs, signed at Lake Travers, is proved by Kenneth McKenzie, a subscribing witness, who also testifies that he knows the said chiefs to be truly the chiefs and warriors of the Sioux or Naudowessies, invested by their nation with all the powers usually granted to their chiefs to represent and act for them; and that the instrument of writing was fully interpreted, and its meaning and bearing explained to the said chiefs before they signed it, which they did, and acknowledged the same in the presence of said McKenzie, and four other subscribing witnesses, namely, John Palmer Bourke, William Laidlaw, Peter Powell, and Joseph Jeffreys. The identity of Kenneth McKenzie is proved by the testimony of Ramsay Crooks. Another writing was also procured, in the city of New York, dated August 13th, 1824, signed by Eesh-tah-hum-bah or "Sleepy Eyes," on behalf of the Sioux tribes represented by him, in which he consents, and requests that the title to the tract of land granted to Captain Jonathan Carver be confirmed to the associates of the Mississippi Land Company of New York. All the deeds and instruments of writing are set forth at length in the new edition of "Carver's Travels in Wisconsin," published in New York, in 1838.

The whole case then, of the "Carver Grant," whether the title still remained in Jonathan Carver's heirs, in Dr. Samuel Peters, or in the "Mississippi Land Company of New York," presented two questions for consideration; First, Did the Indians represented to be chiefs of the Naudowessie tribe execute the deed under which the claim is made? Secondly, Assuming the fact that they did, is the government of the United States bound to ratify the claim?

The proof submitted by the claimants is of too weak and

[1] Land Laws, vol. iv..

dubious a character, to support an affirmative answer to the first question. The conveyance is in the handwriting of Captain Carver, himself, and there are no subscribing witnesses; he never made oath to its genuineness; there is no evidence of his application for a confirmation of his title, before the king, being successful; his counsel, Mr. Irons, merely expressed an *opinion* to that effect; the records of England are silent on the subject; according to a statement made by Senator Lewis F. Linn, in the Globe newspaper, at Washington, in 1839, Lord Palmerston had stated in a correspondence on the subject, that no trace could be found in the Records of the British Office of State Papers, showing any ratification of such grant by Great Britain.

The supposed recognitions of the claim by Indians of the present day, come in a very questionable shape; the facility with which interested persons, or interpreters might practise frauds on the Indians is well known, and no testimony should be received of any of their acts touching their lands and their rights which is not accompanied with all those solemnities which have ever been deemed in such cases indispensable. It is possible that the four Indians, who signed the paper at Lake Travers, have been deceived as to the contents, or been influenced by some improper motive; it is scarcely supposable that they felt themselves bound by a contract made half a century previous; and it is a matter of public notoriety, that in that region of country the aborigines know too well the value of their territories to dispose of them without a suitable compensation. On this matter of recognition of the grant, the information communicated to the Commissioner of the General Land Office by Colonel Henry Leavenworth, on the whole subject of Carver's claim, appears to be conclusive; the letter is dated July 28th, 1821. He says:

"I have the honor to inform you what I have understood from the Indians of the Sioux nation, as well as some facts within my own knowledge as to what is commonly termed 'Carver's Grant.'

"The grant purports to be made by chiefs of the *Sioux*

of the *Plain*, and one of the chiefs uses the sign of a serpent, and the other a turtle, purporting that their names are derived from those animals.

"The land lies on the east side of the Mississippi. The Indians do not recognize or acknowledge the grant to be valid, and they (among others) assign the following reasons:

"1st. The Sioux of the *Plain* never owned a foot of land on the *east* side of the Mississippi. The Sioux nation is divided into two grand divisions, viz.: the Sioux of the *lake* or perhaps more literally Sioux of the *river*, and Sioux of the *plain*. The former subsists by hunting and fishing, and usually move from place to place by water in canoes, during the summer season, and travel on the ice in the winter when not on their hunting excursions.

"The latter subsist entirely by hunting and have no canoes, nor do they know but little about the use of them. They reside in the large prairies *west* of the Mississippi, and follow the buffalo upon which they entirely subsist; these are called *Sioux of the plain, and never owned land on the east side of the* Mississippi.

"2d. The Indians say they have no knowledge of any such chiefs as those who have signed the grant to Carver, either amongst the Sioux of the *river*, or amongst the Sioux of the *plain*. They say, that if Captain Carver ever did obtain a deed or grant, it was signed by some foolish young men who were not chiefs, and who were not authorized to make the grant. Among the Sioux of the *river*, there are no such names.

"3d. They say that 'the Indians never received any thing for the land,' and they have no intention to part with it without a consideration.

"From my knowledge of the Indians, I am induced to think that they would not make so considerable a grant, and have it go into full effect, without receiving a substantial consideration.

"4th. They have, and ever have had the possession of the land, and intend to keep it. I know that they are very particular in making every person who wishes to cut timber on that

tract, *obtain their permission to do so, and to obtain payment for it.* In the month of May last, some Frenchmen brought a large raft of red cedar timber out of the Chippewa River, which timber was cut on the tract before mentioned. The Indians at one of the villages on the Mississippi, where the principal chief resided, compelled the Frenchmen to land the raft and *pay for the timber;* and the Frenchmen were compelled to leave their raft with the Indians, until they went to Prairie du Chien and obtained the necessary articles, and made the payment required."

There is no proof, any where exhibited, that the persons who it is alleged made the deed, were the chiefs of the tribe, nor that (if chiefs) they had any authority to grant and give away the land belonging to their tribe. There is no proof that the persons who (as is alleged) signed the deed, comprehended and understood the meaning and effect of their act.

Perhaps the strongest presumptions against the authenticity of the deed, are to be derived from the simple fact, that the supposed "grant" is never mentioned by Carver himself, in his own account of his travels. Let it be remembered that Carver published two editions of his book accompanied with a map of his routes of travel in the Indian country, during his life time, and that one edition at least, must have been published after the hearing before the king and council in February, 1775, for Dr. Peters himself furnishes *the* testimony, that, at that interview, "his majesty requested Captain Carver to publish his journal, and to send a copy of it to him for his majesty's library."[1] At this same hearing, Dr. Peters alleges that Carver's deed was produced before the king and council, and according to his own views, and the expressed *opinion* of Mr. Irons, the counsel of Carver, the "grant" received a ratification. Every inducement then existed for Carver to make his "grant," and the vast importance of it, known to the world; he was the proprietor of a principality, his "grant" was *recognized*, if not absolutely

[1] Carver's Travels, new edition. Addenda.

confirmed by his own government, and his Book of Travels was not yet published. Soon afterwards, however, the book, with the appended map, and other illustrations, was published, and run through two editions previous to the year 1780.

In no place whatsoever in Carver's Account of his travels, thus given to the public under his own supervision, does there appear even the slightest reference to the grant of land said to have been made to him by two chiefs of the Sioux Indians, the Tortoise and the Snake. In the map of the country, and of his travelled routes, there is no notice whatsoever taken of the lines of his alleged grant. The deed is said, on its face, to be executed on the first of May, in the year one thousand seven hundred and sixty-seven, at the Great Cave. In his book, Carver minutely describes this cave, as being called by the Indians Wakon-teebe, that is, the dwelling of the Great Spirit, and here it is, that the chiefs of the several bands of the Naudowessies meet to hold their councils and to settle all public affairs for the ensuing summer.

At this cave, on the first day of May, in the year one thousand seven hundred and sixty-seven, Carver states, "the Indians held their great council, into which I was admitted, and at the same time had the honour to be installed or adopted a chief of their bands."[1] He delivered, on that occasion, a speech to the chiefs of the Naudowessies, setting forth the power of the King of England, and informing them that he was about to return home, and he would assure his king, of their willingness to be acknowledged as his children, and that they wished for *traders* from the English to come among them. . The principal chief answered him, on behalf of the chiefs of the eight bands of the powerful nations of the Naudowessies, that they wished to be considered the children of their great father the King of the English. They thanked Carver for making peace between the Naudowessies and the Chippewas, and hoped he would *return* again amongst them, and complete his good work, and cause the bloody hatchet to

[1] Carver's Travels.

be buried deep; they also desired *traders* to be sent to *abide* amongst them.[1]

Not a syllable is said in either of the speeches, (which Carver gives at length) of the extraordinary grant of land, which he alleges was made to him on that day; at that place; and the consideration for which, as stated by Dr. Lettsom, (who received his information from Carver,) was the "making of the peace between the Naudowessies and Chippewas," alluded to by the chief in his speech. These omissions, in respect to such an important transaction, are unaccountable, if the execution of the deed is admitted. The alleged transactions of that day are inconsistent with each other; the difficulties are solved by a self-evident fact, no such deed was at that time executed—no such grant was made—it was the result of an after thought in England, to assist Carver in obtaining from government, ships, men, and money, to enable him to make a settlement and trading establishment in the Upper Mississippi country, which he undoubtedly had at heart; he expressly states the object of his travels and researches to have been settlement, and trade with the natives.[2]

Carver never speaks of his "lands," nor of his disappointment in obtaining the assistance of government to settle them; he complains, in the preface to his book, that he had not been remunerated for his *expenditures*. According to Dr. Peter's testimony, he received from government £1,373.6.8 sterling for this account; the singular preciseness of the pounds, shillings, and pence, looks very much like a *summing up* of an account of expenditures. The king (says Dr. Peters) directed Carver to sail for New Orleans, and take possession of his territory, with one hundred and fifty men, of whom he was to be the commander, and ships, men, and necessaries would be provided by his Majesty to convey him there. This was indeed an extraordinary favour to grant to a private subject, in order to make his private fortune; the truth of the whole

[1] Carver's Travels. [2] Ibid.

matter appears to be, that Carver was to have a commission, with a company of armed men, and he was to establish a military and trading post on the Upper Mississippi, for which Government would defray the expenses; but the breaking out of the American revolution put an end to all the schemes.

The claim set up by Carver, and thus laid before the king and council, and the deed therefor exhibited, as Dr. Peters alleges, was in direct violation of existing law; therefore the improbabilities of any confirmation of the grant by the king and council, appear in a stronger light. By the proclamation of the king of Great Britain, dated October 7th, 1763, the purchase of lands from the Indians is prohibited in the following terms:—"We do strictly enjoin and require, that no private person do presume to make any purchase from the said Indians, of any lands reserved to the said Indians, within those parts of our colonies, where we have thought proper to allow settlements, but that if, at any time, any of the said Indians should be inclined to dispose of the said lands, the same shall be purchased only for us, in our name, at some public meeting or assembly of the said Indians, to be held for that purpose by the governor, or commander-in-chief of our colony respectively, within which they shall lie."

The same correct policy which dictated the proclamation of October 7th, 1763, has been invariably adhered to by the United States, and was ably supported by their ministers during the negotiation at Ghent, in 1814.

The British Government never ratified or confirmed the "grant;" if that government derived any benefit from the services of Captain Carver, by his travels and residence among the Indians, that government alone could determine, and alone could judge what remuneration those services deserved. That government did, as acknowledged by the claimants under the deed, pay him a sum of money, on the investigation of the claim. Captain Carver rendered no service to the United States, which could be assumed as an equitable ground for the support of his claim. The territory has now become the property of the United States, and an Indian

grant not good against the British Government, would appear to be not binding upon the United States Government.

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# INDIAN DEED.

In order to show in what manner and for what consideration Indian titles and claims to land were at times procured by the French traders and settlers, in the northwest, the following extract is made from the records of Brown County; the validity of the title has not been examined, nor is it necessary to be inquired into, as all purchases by individuals from the Indians were contrary to the policy of the British Government, and the royal proclamation of 1763, which was followed and acted upon by the United States Government, in virtue of its rights of eminent domain.

The deed is curious, as showing how great a quantity of land was given for the consideration of "two barrels of rum, well mixed," and that the witnesses to the execution of the contract, themselves made the eagle's mark for the blind old chief, which was doubtless considered to be an all-sufficient signing and sealing. To use the Indian phrase, he did not even "touch the quill."

The second deed is from other claimants of the same land, who relinquished all their right to it, for "five gallons of rum." According to the extract from the journal, or day-book, of Ducharme, the purchaser, he paid for all the grants "three barrels of rum, mixed with water." Our history is silent on the subject of the rights of the two "Eagles" father and son, the "Beaver," and the "Black Tobacco," to the land in question.*

Extract from Record Book B, page 110, 111.

En mille sept cent quatre vingt treize, trouvent present Wabispine et le Tabac noir, lesquels ont volountairement abandonez et cèdèz a Monsieur Dominique Ducharme, depuis le haut de portage de Cacalin jusque du bout de le Prairie d'en bas, sur quarante arpens de profondeur; et sur l'autre cotè vis a vis le dit portage, quatre arpens de large, sur trent de profondeur. Lesquels vendeurs se sont trouvès contens, et satisfaits pour deux barrils de Rum. Enfois de quois, ils ont faits

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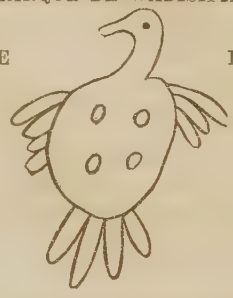
* The French phraseology is ungrammatical, and *à me sines* untranslatable.

leur marques, le vieux Wabisipine etant aveugle, les Temoins ont fait sa marque pour lui.

J. Harrison,
Lambert Macaulay, } Temoins.

MARQUE DE WABISIPINE.

DE L'ATTRIBUT DE L'AIGLE.



MARQUE DU TABAC NOIR.

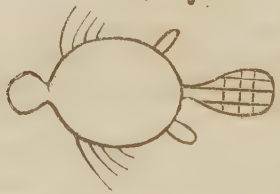
Des Survenants aiant reclames droit qu'ils avoient aussi dans le Portage, ont vendues aussi leurs pretensions, et garanti de touts troubles. Ont accepter pour leur part, cinque galons de Rum, lesquels se sont trouvès contents et satisfait. En fois de quois ont fait leur marques.

S. Harrison, Temoin.

L'AIGLE.

PE CA MES CHE MES SON FILS. BITTE

L'EGLEET. LE CASTRE.



Ratifie au'Portage du Cacalin l'Annèe de notre Seigneur Mil sept cent quatre vingt seize; le 31me jour de Juillet, enmil cep cent quatre vingt dix sept pour parte du portage une barille rum.

——*Aout* 8.——

En mil cep cent quatre vingt dix huit, un barille de rum *mele* pour contenter les filles souscritant.

——*Juillet* 16.——

Et en quatre vingt dix neuf un barille de Rum *meles á me*

*sines* pour comtemter les differan entre eux. Lesquels se son trouve comptemps et satisfaits.

DE L'ÈGLE.

LE TABA NOIR

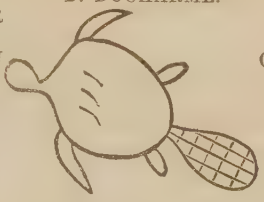
WACHITTE.

WABISIPINE.

LE BUEUR.

D. DUCHARME.

DU



CASTOR.

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TRANSLATION OF THE ABOVE DEEDS AND ENTRIES.

In, one thousand seven hundred and ninety-three, are found present, Wabisipine, and the Black Tobacco, who have voluntarily given up and ceded to Mr. Dominick Ducharme, from the head of the Portage of Kakalin, to the end of the Prairie below, by forty *arpens* in depth; and on the other side opposite the said portage, four *arpens* wide, by thirty in depth. The said vendors are contented and satisfied for two barrels of Rum. In faith of which they have made their marks, the old Wabisipine being blind, the witnesses have made his mark for him.

J. HARRISON,
LAMBERT MACAULAY, } Witnesses.

MARK OF WABISIPINE
OF THE ATTRIBUTE OF THE EAGLE.
MARK OF THE BLACK TOBACCO.

The undersigned having claimed a right which they also have in the Portage, have also sold their claims, and warranted from all troubles. They have accepted for their part, five gallons of Rum, with which they find themselves content and satisfied. In faith of which, they have made their marks.

J. HARRISON, Witness.

THE EAGLE.
PE CA MES, HIS SON.
CHE MES. BITTE.
THE EAGLET. THE BEAVER.

Ratified at the Portage of the Kakalin in the year of our Lord one thousand seven hundred and ninety-six; the 31st day of July, in one thousand seven hundred and ninety-seven, on account of the Portage, one barrel of Rum.

——*August* 8.——

In one thousand seven hundred and ninety-eight, one barrel of Rum *mixed*, to content the sons, subscribing.

——*July* 16.——

And in ninety-nine, one barrel of Rum, mixed *à me sines*, to settle the difference between them. With which they find themselves content and satisfied.

D. DUCHARME.

THE EAGLE. THE BLACK TOBACCO. THE BEAVER.
WACHITTE.
WABISIPINE.
THE DRINKER.

In 1820, a claim was laid before the United States commissioners, for the lands described in the above deed, containing a section of land on each side of the river. The descriptions are consonant with those recited in the deed, to which a reference is made, as an Indian deed of 1793. The evidence in support of these two claims of six hundred and forty acres, one on each side of the river, at the Portage of the Grand Kakalin, was that of cultivation. It does not appear that any title derived under the deed was relied on. The claimant in both entries was Paul Ducharme, brother of Dominick Ducharme. Two other sections of land appear to be claimed at the same time and by virtue of the same title and cultivation by Paul Ducharme and his assignee, Augustus Grignon, to whom he had sold one of them. However, the testimony of the witnesses who were examined, Jacques Porlier, Joseph Jourdin, and John Lawe did not establish the facts of occupancy and cultivation, and all the four claims were rejected.[1]

[1] See Land Laws, vol. iv. p. 862, 863.

# ANNALS OF THE LEGISLATURE.

## LEGISLATIVE ASSEMBLIES OF THE TERRITORY OF WISCONSIN.

### FIRST SESSION OF THE FIRST ASSEMBLY.

1836.

| *Counties.* | *Council.* | *Representatives.* |
|---|---|---|
| Brown, | Henry S. Baird,<br>John P. Arndt, | Ebenezer Childs, Albert G. Ellis, Alex. J. Irwin.* |
| Milwaukee, | Alanson Sweet,<br>Gilbert Knapp, | William B. Sheldon, Madison W. Cornwall, Charles Durkee. |
| Iowa, | Ebenezer Brigham,<br>John B. Terry,<br>James R. Vineyard, | Wm. Boyles, George F. Smith, Daniel M. Parkinson, Thomas McKnight, Thomas Stanley, James P. Cox. |
| Dubuque, | Thomas McCraney,<br>John Foley,<br>Thomas McKnight, | Loring Wheeler, Hardin Nowlin, Hosea T. Camp, Peter Hill Engle, Patrick Quigley. |
| Des Moines, | Jeremiah Smith, Jr.,<br>Joseph B. Teas,<br>Arthur B. Ingraham, | Isaac Leffler, Thomas Blair, John Box, George W. Teas, David R. Chance, Warren L. Jenkins, Eli Reynolds. |
| Crawford. | This county had no member of the Council.† | James H. Lockwood,<br>James B. Dallam. |

Henry S. Baird was elected President of the Council
Edward McSherry was elected Secretary.
Peter Hill Engle was elected Speaker of the House
Warren Lewis was elected Chief Clerk.
The Legislative Assembly convened on the 25th of October, 1836, and adjourned on the 9th of December, 1836.
This session was held at Belmont, Iowa County.

### SECOND SESSION OF THE FIRST LEGISLATIVE ASSEMBLY.

1837.

| *Counties.* | *Council.* | *Representatives.* |
|---|---|---|
| Brown, | John P. Arndt.<br>Joseph Dickinson,‡ | Ebenezer Childs, George McWilliams, Charles C. Sholes,§ |
| Milwaukee, | Alanson Sweet,<br>Gilbert Knapp, | Wm. B. Sheldon, Chas. Durkee, Madison B. Cornwall, |

* Seat contested and vacated; replaced by George McWilliams.
† Thomas P. Barnett claimed a seat, but was rejected, by a vote of the Council, as the apportionment of members belonged exclusively to the Executive of the Territory.
‡ In place of H. S. Baird resigned. Mr. Dickinson's seat was contested and vacated; replaced by Alexander J. Irwin.
§ In place of Albert G. Ellis resigned.

| *Counties.* | *Council.* | *Representatives.* |
|---|---|---|
| Iowa, | Ebenezer Brigham, John B. Terry, James R. Vineyard, | Wm. Boyles, Thos. McKnight, Thomas Shanley, James P. Cox, George F. Smith, Daniel M. Parkinson. |
| Dubuque, | John Foley, Thomas McKnight, Thomas McCraney, | Peter Hill Engle, Patrick Quigley,* Loring Wheeler, Hardin Nowlin, Alexander W. McGregor, in place of H. T. Camp, deceased.† |
| Des Moines, | Jeremiah Smith, Jr., Joseph B. Teas, Arthur B. Ingraham, | Isaac Leffler, Thomas Blair, John Box, George W. Teas, David R. Chance, Warren L. Jenkins, John Reynolds. |
| Crawford, | | Ira B. Bronson,‡ Jean Brunet.§ |

Arthur B. Ingraham was elected President of the Council.
George Beatty was elected Secretary.
Isaac Leffler was elected Speaker of the House.
John Catlin was elected Chief Clerk.
The Legislative Assembly convened on the 6th of November, 1837, and adjourned on the 20th of January, 1838.
This session was held at Burlington, in Des Moines County.

SPECIAL SESSION OF THE FIRST LEGISLATIVE ASSEMBLY.

1838.

| *Counties.* | *Council.* | *Representatives.* |
|---|---|---|
| Brown, | Alexander J. Irwin, John P. Arndt, | George McWilliams, Charles C. Sholes, Ebenezer Childs. |
| Milwaukee, | Gilbert Knapp, Alanson Sweet, | Wm. B. Sheldon, Chas. Durkee, Madison B. Cornwall. |
| Iowa, | Ebenezer Brigham, John B. Terry, James R. Vineyard, | Wm. Boyles, Thomas McKnight, Daniel M. Parkinson, Thomas Shanley, James P. Cox, James Collins.¶ |
| Dubuque, | John Foley, Thomas McCraney, Thomas McKnight, | Peter Hill Engle, Hardin Nowlin, Patrick Quigley, Langworthy.** |

* Mr. Quigley resigned his seat on the 17th January, 1838, for cause arising out of McGregor's case, wherein he felt his dignity as a member overlooked, and unsupported by the House.

† Mr. McGregor was charged with having accepted a bribe at this session, and resigned his seat, while the investigation was pending; but, by a resolution of the House, at its June session, he was declared *unworthy of confidence*, by a vote of the House.

‡ In place of James B. Dallam.
§ In place of James H. Lockwood.
¶ In place of George F. Smith resigned.
** In place of A. McGregor resigned.

| *Counties.* | *Council.* | *Representatives.* |
|---|---|---|
| Des Moines. | Arthur B. Ingraham, Joseph B. Teas, Jeremiah Smith, Jr., | Isaac Leffler, Warren L. Jenkins, Thomas Blair, John Reynolds, George W. Teas, John Box, David R. Chance. |
| Crawford. | | Ira Brunson, Jean Brunet. |

Arthur B. Ingraham was elected President of the Council.
George Beatty was elected Secretary. } Both by resolution. Not vote.
William B. Sheldon was elected Speaker of the House.
John Catlin was elected Chief Clerk.
The Legislative Assembly convened on the 11th of June, 1838, and adjourned on the 25th of June, 1838.
This Session was held at Burlington in Des Moines County.

FIRST SESSION OF THE SECOND LEGISLATIVE ASSEMBLY

1838.

| *Counties.* | *Council.* | *Representatives.* |
|---|---|---|
| Brown, | Alexander J. Irwin, Morgan L. Martin, | Ebenezer Childs, Chas. C. Sholes, Barlow Shackleford, Jacob W. Conroe. |
| Milwaukee & Washington, | Daniel Wells, Jr., William A. Prentiss, | Lucius J. Barber, William Shew, Henry C. Skinner, Ezekiel Churchill and Augustus Story. |
| Racine, | William Bullen, Marshall M. Strong, | Orrin R. Stevens, Zadoc Newman and Tristram C. Hoyt. |
| Rock, and Walworth, | James Maxwell, | Othni Beardsley and Edward V. Whiton. |
| Greene, Dane, Jefferson and Dodge, | Ebenezer Brigham, | Daniel S. Sutherland. |
| Iowa, | James Collins, Levi Sterling, | Russell Baldwin, John W. Blackstone, Henry M. Billings and Thomas Jenkins. |
| Grant, | James R. Vineyard John H. Rountree, | Thomas Cruson, Nelson Dewey, Ralph Carver and Joseph H. D. Street. |
| Crawford, | George Wilson, | Alexander McGregor. |

William Bullen was elected President of the Council.
George Beatty was elected Secretary.
John W. Blackstone was elected Speaker of the House.
John Catlin was elected Chief Clerk.
The Legislative Assembly convened on the 26th of November, 1838, and adjourned on the 22d of December, 1838.
This Session was held at Madison, the Seat of Government.

SECOND SESSION OF THE SECOND LEGISLATIVE ASSEMBLY.

1839.

| *Counties.* | *Council.* | *Representatives* |
|---|---|---|
| Brown, | Morgan L. Martin, Alexander J. Irwin, | Ebenezer Childs, Charles C. Sholes, Barlow Shackleford, Jacob W. Conroe. |
| Milwaukee, & Washington, | Daniel Wells, Jr. William A. Prentiss, | Lucius J. Barber, William Shew, Henry C. Skinner, Ezekiel Churchill, Augustus Story. |
| Racine, | William Bullen, Marshall M. Strong, | Tristram C. Hoyt, Orrin R. Stevens, Zadoc Newman. |
| Rock and Walworth. | James Maxwell, | Edw. V. Whiton, Othni Beardsley. |
| Greene, Dane, Jefferson, and Dodge, | Ebenezer Brigham, | Daniel S. Sutherland. |
| Iowa, | James Collins, Levi Sterling, | Russel Baldwin, John W. Blackstone, Thomas Jenkins, Henry M. Billings, Charles Bracken. |
| Grant, | James R. Vineyard, John H. Rountree, | Thomas Cruson, Nelson Dewey, Ralph Carver, Joseph H. D. Street. |
| Crawford, | George Wilson, | Alexander McGregor, Ira B. Brunson. |

James Collins was elected President of the Council.
George Beatty was elected Secretary.
John W. Blackstone was elected Speaker of the House.
John Catlin was elected Chief Clerk.
The Legislative Assembly convened on the 21st of January, 1839, and adjourned on the 11th of March, 1839.
This session was held at Madison.

THIRD SESSION OF THE SECOND LEGISLATIVE ASSEMBLY.

1839.

| *Counties.* | *Council.* | *Representatives.* |
|---|---|---|
| Brown, | Morgan L. Martin, Charles C. P. Arndt, | Ebenezer Childs, Jacob W. Conroe, Charles C. Sholes, Barlow Shackleford. |
| Milwaukee, & Washington, | William A. Prentiss, Daniel Wells, Jr., | Augustus Story, Adam E. Ray, William R. Longstreet, Wm. Shew, Horatio N. Wells. |
| Racine, | William Bullen, Lorenzo Janes,* | Orrin R. Stevens, Zadoc Newman, Tristram C. Hoyt. |

* In room of Marshall M. Strong, resigned.

| *Counties.* | *Council.* | *Representatives.* |
|---|---|---|
| Rock, and Walworth, | James Maxwell, | Othni Beardsley, Edward V. Whiton. |
| Greene, Dane, Jefferson, and Dodge, | Ebenezer Brigham, | Daniel S. Sutherland. |
| Iowa, | James Collins, Levi Sterling, | Russel Baldwin, Charles Bracken, Henry M. Billings, Thomas Jenkins, John W. Blackstone. |
| Grant | James R. Vineyard, John H. Rountree, | Thomas Cruson, Joseph H. D. Street, Nelson Dewey, Jonathan Craig. |
| Crawford, | Joseph Brisbois,* | Ira B. Brunson, Alexander McGregor. |

James Collins was elected President of the Council.
George Beatty was elected Secretary.
Edward V. Whiton was elected Speaker of the House.
John Catlin was elected Chief Clerk.
The Legislative Assembly convened on the 2d of December, 1839, and adjourned on the 13th of January, 1840.
This session was held at Madison.

FOURTH (EXTRA) SESSION OF THE SECOND LEGISLATIVE ASSEMBLY.

1840.

| *Counties.* | *Council.* | *Representatives.* |
|---|---|---|
| Brown, | Morgan L. Martin, Charles C. P. Arndt, | Ebenezer Childs, Barlow Shakleford, Charles C. Sholes, Jacob W. Conroe. |
| Milwaukee, & Washington, | William A. Prentiss, Daniel Wells, Jr., | Adam E. Ray, William Shew, Horatio N. Wells, Augustus Story, William R. Longstreet. |
| Racine, | William Bullen, Lorenzo Janes, | Orrin R. Stevens, Zadoc Newman, Tristram C. Hoyt. |
| Rock, and Walworth, | James Maxwell, | Othni Beardsley, Edward V. Whiton. |
| Greene, Dane, Jefferson, and Dodge, | Ebenezer Brigham, | Daniel S. Sutherland. |
| Iowa, | Levi Sterling, James Collins, | Henry M. Billings, Thomas Jenkins, Charles Bracken, John W. Blackstone, Russel Baldwin. |

* In room of George Wilson resigned.

| *Counties.* | *Council.* | *Representatives.* |
|---|---|---|
| Grant, | James R. Vineyard, John H. Rountree, | Thomas Cruson, Nelson Dewey, Joseph H. Street, Jonathan Craig. |
| Crawford, | Charles J. Learned,* | Ira B. Brunson, Alexander McGregor. |

William A. Prentiss was elected President of the Council.
George Beatty was elected Secretary.
Nelson Dewey was elected Speaker of the House.
John Catlin was elected Chief Clerk.
The legislative assembly convened on the 3d of August, 1840, and adadjourned on the 14th of August, 1840.
This session was held at Madison.

FIRST SESSION OF THE THIRD LEGISLATIVE ASSEMBLY.

1840.

| *County.* | *Council.* | *Representatives.* |
|---|---|---|
| Brown, Manitoowoc, Sheboygan, & Fond du Lac, | Charles C. P. Arndt, Morgan L. Martin, | William H. Bruce,† Mason C. Darling, David Giddings. |
| Milwaukee, & Washington, | Jonathan Arnold, Don A. J. Upham, | Joseph Bond, Jacob Brazelton, Adam E. Ray, John S. Rockwell, William Shephard. |
| Racine, | William Bullen, Lorenzo Janes, | George Batchelder, Thomas E. Parmelee, Reuben H. Deming. |
| Rock, and Walworth, | James Maxwell, | John Hackett, Hugh Long, Jesse C. Mills, Edward V. Whiton. |
| Greene, Dane, Jefferson, and Dodge, | Ebenezer Brigham, | Lucius J. Barber, James Sutherland. |
| Iowa, | Levi Sterling, James Collins, | Francis J. Dunn, Ephraim F. Ogden, Daniel M. Parkinson, David Newland. |
| Grant, | John H. Rountree, James R. Vineyard, | Daniel R. Burt, Nelson Dewey, Neely Gray. |
| Crawford, and St. Croix, | Charles J. Learned, | Alfred Brunson,‡ Joseph R. Brown. |

James Maxwell was elected President of the Council.
George Beatty was elected Secretary.
David Newland was elected Speaker of the House.
John Catlin was elected Chief Clerk.

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* In place of J. Brisbois resigned.
† Seat contested. Vacated, and replaced by Albert G. Ellis
‡ Seat contested by Theophilus Lachappelle, and J. R. Brown appointed commissioner to take testimony and report.

The Legislative Assembly convened on the 7th of December, 1840, and adjourned on the 19th of February, 1841.
This session was held at Madison.

SECOND SESSION OF THE THIRD LEGISLATIVE ASSEMBLY.

1841.

| *Counties.* | *Council.* | *Representatives.* |
|---|---|---|
| Brown, Fond du Lac, Manitoowoc, Portage, and Sheboygan. | Morgan L. Martin, Charles C. P. Arndt, | Mason C. Darling, Albert G. Ellis, David Giddings. |
| Milwaukee & Washington, | John H. Tweedy,* Don A. J. Upham, | Joseph Bond, Adam E. Ray, William F. Shephard, John S. Rockwell, Jacob Brazelton. |
| Racine, | William Bullen, Lorenzo Janes, | Geo. Batchelder, Jonathan Eastman, Thomas E. Parmelee.† |
| Rock and Walworth, | James Maxwell, | John Hackett, Jesse C. Mills, Edw. V. Whiton, Jas. Tripp.‡ |
| Dane, Dodge, Greene, Jefferson & Sauk, | Ebenezer Brigham, | Lucius J. Barber, James Sutherland. |
| Iowa, | James Collins, Moses M. Strong, | Thomas Jenkins,§ David Newland, Ephraim F. Ogden, Daniel M. Parkinson. |
| Grant, | John H. Rountree, James R. Vineyard, | Daniel R. Burt, Neely Gray, Nelson Dewey. |
| Crawford and St. Croix, | Charles J. Learned, | Joseph R. Brown, Alfred Brunson.‖ |

James Collins was elected President of the Council.
George Beatty was elected Secretary.
David Newland was elected Speaker of the House.
John Catlin was elected Chief Clerk.
This Legislative Assembly convened on the 6th of December, 1841, and adjourned on the 19th of February, 1842.
This Session was held at Madison.

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* In place of Jonathan Arnold resigned.
† Four persons (the above three, and Elisha S. Sill) claimed seats, and the above-named were admitted. The county was entitled to three members only. Mr. Parmelee afterwards resigned.
‡ In place of Hugh Long resigned.
§ In place of F. J. Dunn resigned.
‖ Seat contested at last session. Seat vacated and replaced by Theophilus La Chapelle.

FIRST SESSION OF THE FOURTH LEGISLATIVE ASSEMBLY.

## 1842.

The two Houses organized on the 5th of December, 1842, but the Governor (J. D. Doty) refused to communicate with them, as a body legally assembled, according to the act of Congress, as no appropriation for that object had been previously made by Congress. The Houses continued in session until the 10th of December, when they adjourned until the 30th of January, 1843, when they again met, and continued in session until February 6th, 1843, when they adjourned until March 6th, 1843, on which latter day, they again convened, as well in pursuance of their vote of adjournment, as in pursuance of the Governor's Proclamation, calling them together as of a special session, on that day. Of this intention of the governor, they had been apprised by resolutions referring to his Proclamation, introduced by one of their members at their first session. The Houses continued in session subsequently until the 25th day of March, when they adjourned without day. Both houses again assembled on the 27th day of March, as of the second session, and adjourned on the 17th of April, 1843. The session was held at Madison. Officers the same in both sessions.

| *Counties.* | *Council.* | *Representatives.* |
|---|---|---|
| Brown, Manitoowoc, Sheboygan, Calumet, Fond du Lac Winnebago, Marquette and Portage. | Morgan L. Martin, | Albert G. Ellis, Mason C. Darling, David Agry. |
| Milwaukee & Washington, | Hans Crocker,<br>Lemuel White,<br>David Newland, | Andrew E. Elmore, Benjamin Hunkins, Thos. H. Olin, Jonathan Parsons, Jared Thompson, George H. Walker. |
| Racine, | Consider Heath,<br>Peter D. Huguuin,* | Philander Judson, John T. Trowbridge, Peter Van Vleet.† |
| Walworth & Rock, | Charles M. Baker,<br>Edward V. Whiton, | John Hopkins, Jas. Tripp, John M. Capron, Wm. A. Bartlett.‡ |
| Jefferson, Dane, Greene, Dodge and Sauk, | Lucius J. Barber, | Isaac H. Palmer, Lyman Crossman, Robert Masters. |
| Iowa, | Moses M. Strong, | Robert M. Long, Moses Meeker, William S. Hamilton. |
| Grant, | John H. Rountree,<br>Nelson Dewey, | Franklin Z. Hicks, Alonzo Platt, Glendower M. Price. |

* These councillors did not take their seats until March 6th, 1843.
† Took his seat March 6, 1843.
‡ Took his seat March 6th, 1843.

| *Counties.* | *Council.* | *Representatives.* |
|---|---|---|
| Crawford and St. Croix, | Theophilus La Chapelle, | John H. Manahan. |

Moses M. Strong was elected President of the Council. He resigned March 18th, and Morgan L. Martin was elected.

John V. Ingersoll was elected Secretary. He resigned on the 31st of March, 1843, and John P. Sheldon was appointed Secretary for the balance of the session.

Albert G. Ellis was elected Speaker of the House.

John Catlin was elected Chief Clerk.

This session was held at Madison.

SECOND SESSION OF THE FOURTH LEGISLATIVE ASSEMBLY.

1843.

| *Counties.* | *Council.* | *Representatives.* |
|---|---|---|
| Brown, Manitoowoc, Sheboygan, Calumet, Fond du Lac, Winnebago, Marquette and Portage. | Morgan L. Martin, | Albert G. Ellis, David Agry, Mason C. Darling. |
| Milwaukee & Washington. | Lemuel White, Hans Crocker, David Newland, | Andrew E. Elmore, Benjamin Hunkins, Thomas H. Olin, Jona. Parsons, Jared Thompson, George H. Walker. |
| Rock and Walworth, | Charles M. Baker, Edward V. Whiton, | John M. Capron, Wm. A. Bartlett, John Hopkins, Jas. Tripp. |
| Iowa, | Moses M. Strong, | Moses Meeker, George Messersmith, Robert M. Long. |
| Grant, | John H. Rountree, Nelson Dewey, | Alonzo Platt, Glendower M. Price, Franklin Z. Hicks. |
| Racine, | Michael Frank, Marshal M. Strong, | John T. Trowbridge, Levi Grant, Ezra Birchard. |
| Crawford, & St. Croix, | Theophilus La Chappelle, | John H. Manahan. |
| Dane, Dodge, Greene, Jefferson & Sauk | Lucius J. Barber, | Robert Masters, Lyman Crossman, Isaac H. Palmer. |

Marshall M. Strong was elected President of the Council.

Ben C. Eastman was elected Secretary.

George H. Walker was elected Speaker of the House.

John Catlin was elected Chief Clerk.

The Legislative Assembly convened on the 4th of December, 1843, and adjourned on the 31st of January, 1844.

This session was held at Madison.

By an act passed at this session, the Legislature were to meet on the first Monday in January in each year.

THIRD SESSION OF THE FOURTH LEGISLATIVE ASSEMBLY.

1845.

| *Counties.* | *Council.* | *Representatives.* |
|---|---|---|
| Brown, Manitoowoc, Sheboygan, Calumet, Fond du Lac, Winnebago, Marquette, and Portage, | Randall Wilcox, | Mason C. Darling, Abraham Brawley, William Fowler.* |
| Rock, and Walworth, | Charles M. Baker; Edward V. Whiton, | Stephen Field, Jesse C. Mills, Salmon Thomas, Jesse Moore. |
| Iowa, | Moses M. Strong, | James Collins, Robert C. Hoard, Solomon Oliver. |
| Grant, | Nelson Dewey, John H. Rountree, | Thomas P. Burnett, Thomas Cruson, Franklin Z. Hicks. |
| Crawford, and St. Croix, | Wiram Knowlton, | James Fisher. |
| Racine, | Michael Frank, Marshall M. Strong, | Robert G. McClellan, Orson Sheldon, Albert G. Northway. |
| Dane, Dodge, Greene, Jefferson, and Sauk, | John Catlin, | Charles S. Bristol, Noah Phelps, George H. Slaughter. |
| Milwaukee, & Washington, | Adam E. Ray, James Kneeland, Jacob Kimball, | Charles E. Brown, Pitts Ellis, Byron Kilbourn, Benjamin H. Mooers, William Shew, Geo. H. Walker. |

Moses M. Strong was elected President of the Council.

Ben C. Eastman was elected Secretary.

George H. Walker was elected Speaker of the House.

La Fayette Kellogg was elected Chief Clerk.

This Legislative Assembly convened on the 6th of January, 1845, and adjourned on the 24th of February, 1845.

This session was held at Madison.

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* Stockbridge Indian.

FOURTH SESSION OF THE FOURTH LEGISLATIVE ASSEMBLY.

1846.

| *Counties.* | *Council.* | *Representatives.* |
|---|---|---|
| Brown, Manitoowoc, Sheboygan, Calumet, Fond du Lac, Winnebago, Marquette, and Portage. | Randall Wilcox, | Abraham Brawley, Mason C. Darling, Elisha Morrow. |
| Rock, and Walworth, | Charles M. Baker, Edward V. Whiton, | Rock, Ira Jones; Walworth, Caleb Crosswell, Warner Earl, Gaylord Graves. |
| Iowa, | Moses M. Strong, | Henry M. Billings, Robert C. Hoard, Charles Pole. |
| Milwaukee, & Washington, | Jacob Kimball, James Kneeland, Curtis Reed, | Samuel H. Barstow, John Crawford, James Magone, Benjamin H. Mooers, Luther Parker, William H. Thomas. |
| Grant, | Nelson Dewey, John H. Rountree. | Armstead C. Brown, Thomas P. Burnett, and Thomas Cruson. |
| Crawford, Chippewa, La Pointe, and St. Croix, | Wiram Knowlton, | James Fisher. |
| Racine, | Michael Frank, Marshall M. Strong, | Andrew B. Jackson Orson Sheldon, and Julius Wooster. |
| Dane, Dodge, Greene, Jefferson, and Sauk, | John Catlin, | Mark R. Clapp, William M. Dennis, Noah Phelps. |

Nelson Dewey was elected President of the Council.
Ben C. Eastman was elected Secretary.*
Mason C. Darling was elected Speaker of the House.
La Fayette Kellogg was elected Chief Clerk.
The Legislative Assembly convened on the 5th of January, 1846, and adjourned on the 3d of February, 1846.
This session was held at Madison.

FIRST SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY.

1847.

Between the close of the last session, and the opening of the present, a convention had been held, and a constitution for State government framed, which was to be submitted to a vote of the people for adoption or rejection, in April, 1847.

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* He resigned on the 19th of January, and William R. Smith was elected Secretary.

| *Counties.* | *Council.* | *Representatives.* |
|---|---|---|
| Racine, | Frederick S. Lovell, Marshall M. Strong, | Uriah Wood, Elisha Raymond. |
| Walworth, | Henry Clark, | Charles A. Bronson, Palmer Gardiner. |
| Rock, | Andrew Palmer, | Jared G. Winslow, James M. Burgess. |
| Iowa, and Richland, | William Singer, | Timothy Burns, James D. Jenkins, Thomas Chilton. |
| Grant, | Orris McCartney, | Armstead C. Brown, William Richardson. |
| Greene, Dane, and Sauk, | Alexander L. Collins, | Charles Lum, William A. Wheeler, John W. Stewart. |
| Dodge, and Jefferson, | John E. Holmes, | George W. Green, John T. Haight, James Giddings. |
| Milwaukee, | Horatio N. Wells, | William Shew, Andrew Sullivan, William W. Brown. |
| Washington, and Sheboygan, | Chauncey M. Phelps, | Harrison C. Hobart. |
| Waukesha, | Joseph Turner, | Joseph Bond, Chauncey G. Heath. |
| Crawford, | Benjamin F. Manahan, | Joseph W. Furber. |
| Manitoowoc, Brown, Calumet, Winnebago, Fond du Lac, Marquette, Portage, and Columbia, | Mason C. Darling, | Elisha Morrow, Hugh McFarlane. |

Horatio N. Wells was elected President of the Council.
Thomas McHugh was elected Secretary.
William Shew was elected Speaker of the House.
La Fayette Kellogg was elected Chief Clerk.
The Legislative Assembly convened on the 4th of January, 1847, and adjourned on the 11th of February, 1847.
This session was held at Madison.

SPECIAL SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY.

1847.

The State Constitution having been submitted to a vote of the people, in April, 1847, was not adopted, and the Governor convened this special session to provide for the calling of a new convention, which was done.

| *Counties.* | *Council.* | *Representatives.* |
|---|---|---|
| Racine, | Frederick S. Lovell, Philo White, | G. F. Newell, Dudley Cass. |

| | | |
|---|---|---|
| Walworth, | Henry Clark, | Eleazer Wakely, George Walworth. |
| Rock, | Andrew Palmer, | Daniel C. Babcock, George H. Williston. |
| Iowa, Lafayette, & Richland, | Ninian E. Whiteside, | Timothy Burns, M. M. Cothren, Charles Pole. |
| Grant, | Orris McCartney, | Noah H. Virgin, Daniel R. Burt. |
| Greene, Dane, and Sauk, | Alexander L. Collins, | E. T. Gardner, Alexander Botkin, John W. Stewart. |
| Milwaukee, | Horatio N. Wells, | Isaac P. Walker, James Holliday, Asa Kinney. |
| Washington, & Sheboygan, | Chauncey M. Phelps, | Benjamin H. Mooers. |
| Waukesha, | Joseph Turner, | George Reed, L. Martin. |
| Jefferson, and Dodge, | John E. Holmes, | Levi P. Drake, Horace D. Patch, James Hanrahan. |
| Crawford, St. Croix, Chippewa, & La Pointe, | Benjamin F. Manahan, | Henry Jackson. |
| Brown, Manitoowoc, Calumet, Winnebago, Fond du Lac, Marquette Portage, & Columbia, | Mason C. Darling, | George W. Featherstonhaugh, Moses Gibson. |

Horatio N. Wells was elected President of the Council.
Thomas McHugh was elected Secretary.
Isaac P. Walker was elected Speaker of the House.
La Fayette Kellogg was elected Chief Clerk.
This Legislative Assembly convened on the 18th of October, 1847, and adjourned on the 27th of October, 1847.
This session was held at Madison.

SECOND SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY.

1848.

This was the last Territorial Legislature.

| *Counties.* | *Council.* | *Representatives.* |
|---|---|---|
| Racine, | Frederick S. Lovell, Philo White, | G. F. Newell, Dudley Cass. |
| Walworth, | Henry Clark, | Eleazer Wakely, Geo. Walworth. |
| Rock, | Andrew Palmer, | Daniel C. Babcock, George H. Williston. |

| *Counties.* | *Council.* | *Representatives.* |
|---|---|---|
| Iowa, La Fayette, & Richland, | Ninian E. Whiteside, | Timothy Burns, Charles Pole, Montgomery M. Cothren. |
| Grant, | Orris McCartney, | Noah H. Virgin, Dan. R. Burt. |
| Greene, Dane and Sauk, | Alexander L. Collins, | E. T. Gardner, John W. Stewart, Alexander Botkin. |
| Milwaukee, | Horatio N. Wells, | Isaac P. Walker, James Holliday, Asa Kinney. |
| Washington & Sheboygan, | Chauncey M. Phelps, | Benjamin H. Mooers.* |
| Waukesha, | Joseph Turner, | George Reed, L. Martin. |
| Jefferson and Dodge, | John E. Holmes, | Levi P. Drake, Horace D. Patch, James Hanrahan. |
| Crawford, St. Croix, Chippewa and La Pointe, | Benjamin F. Manahan, | Henry Jackson. |
| Brown, Calumet, Manitoowoc, Fond du Lac, Winnebago, Marquette and Portage, | Mason C. Darling, | George W. Featherstonhaugh, Moses Gibson. |

Horatio N. Wells was elected President of the Council.
Thomas McHugh was elected Chief Clerk.
Timothy Burns was elected Speaker of the House.
Lafayette Kellogg was elected Chief Clerk.
This Legislative Assembly convened on the 7th of February, 1848, and adjourned on the 13th of March, 1848.
This session was held at Madison.

## FIRST CONVENTION.

MEMBERS OF THE FIRST CONVENTION TO FORM A STATE CONSTITUTION—124.

This Convention assembled at Madison, on the 5th day of October, 1846, and adjourned on the 16th day of December, 1846, having framed a constitution, which was submitted to a vote of the people on the first Tuesday in April, 1847, and the same was rejected.

| *Counties.* | *Members.* |
|---|---|
| Brown, &c., | David Agry, Henry S. Baird. |
| Calumet, | Lemuel Goodell. |
| Columbia, | Jeremiah Drake, La Fayette Hill. |
| Crawford, | Peter A. R. Brace. |

* Resigned his seat, because a bill in relation to Washington county was rejected.

| *Counties.* | *Members.* |
|---|---|
| Dane, | John Y. Smith, Abel Dunning, Benjamin Fuller, George B. Smith, Nathaniel F. Hyer, John M. Babcock. |
| Dodge | William M. Dennis, Stoddard Judd, Hiram Barber, Benjamin Granger, Horace D. Patch, John H. Manahan. |
| Fond du Lac, | Warren Chase, Lorenzo Hazen, Moses S. Gibson. |
| Grant, | Thomas P. Burnett, Thomas Cruson, Lorenzo Bevans, Neely Gray, Joel Allen Barber, James Gilmore, Franklin Z. Hicks, Daniel Burt, James R. Vineyard. |
| Green, | Davis Bowen, Noah Phelps, William C. Green, Hiram Brown. |
| Iowa, | William R. Smith, Moses M. Strong, Daniel M. Parkinson, Thomas Jenkins, William J. Madden, Ninian E Whiteside, Joshua L. White, Thomas James, Andrew Burnsides, Moses Meeker, Elihu B. Goodsell. |
| Jefferson, | Patrick Rogan, Theodore Prentiss, Aaron Rankin, Elihu L. Atwood, Samuel T. Clothier, Peter H. Turner, Geo. Hyer. |
| La Pointe, | James P. Hayes. |
| Marquette, | Samuel W. Beall. |
| Manitoowoc, | Evander M. Soper. |
| Milwaukee, | Don A. J. Upham, Francis Huebschman, Wallace W. Graham, Garret Vliet, John Crawford, Asa Kinney, Garret M. Fitzgerald, John Cooper, John H. Tweedy, James Magone, Horace Chase, Charles E. Brown. |
| Portage, | Henry C. Goodrich. |
| Racine, | Edward G. Ryan, Marshall M. Strong, Frederick S. Lovell, Elijah Steele, Stephen O. Bennett, Nathaniel Dickinson, Daniel Harkin, Chauncey Kellogg, Haynes French, Chatfield H. Parsons, Victor M. Willard, James H. Hall, James B. Carter, T. S. Stockwell.* |
| Rock, | A. Hyatt Smith, David Noggle, Sanford P. Hammond, James Chamberlain, Joseph S. Pierce, George B. Hall, David L. Mills, John Hackett, Joseph Kinney, Jr., Israel Inman, Jr. |
| Richland, | Edward Combe. |
| Sauk, | William H. Clark. |
| St. Croix, | William Holcombe. |
| Sheboygan, | David Giddings. |
| Washington, | Bostwick O. Connor, Edward H. Janssen, Patrick Toland, Charles Julius Kern, Hopewell Cox, Joel F. Wilson. |

* This gentleman never took his seat.

| *Counties.* | *Members.* |
|---|---|
| Waukesha, | Andrew E. Elmore, Pitts Ellis, George Reed, Elisha W. Edgerton, Rufus Parks, William R. Hesk, Barnes Babcock, Charles Burchard,* James M. Moore, Benjamin Hunkins, Alexander W. Randall. |
| Walworth, | Salmous Wakeley, Joseph Bowker, Charles M. Baker, John W. Boyd, William Bell, Lyman H. Seaver, Sewell Smith, Josiah Topping, William Berry, M. T. Hawes.† |
| Winnebago, | James Duane Doty. |

Don A. J. Upham was elected President.
La Fayette Kellogg, Secretary.

Messrs. Samuel W. Beall, Warren Chase, Stoddard Judd, Theodore Prentiss, Garret M. Fitzgerald, and Frederick S. Lovell were the only members of the first Convention who were elected to the second. The members of the first, in almost every county, declining a renomination and election.

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## SECOND CONVENTION.

MEMBERS OF THE SECOND CONVENTION TO FORM A STATE CONSTITUTION—69.

This Convention assembled at Madison, on the 15th day of December, 1847, and adjourned on the 1st of February, 1848, having framed a constitution, which was submitted to a vote of the people, on the second Monday in March following, and the same was adopted.

| *Counties.* | *Members.* |
|---|---|
| Brown, | Morgan L. Martin. |
| Calumet, | George W. Featherstonhaugh. |
| Crawford, and Chipewa, | Daniel G. Fenton. |
| Columbia, | James T. Lewis. |
| Dane, | Charles M. Nichols, William A. Wheeler, William H. Fox. |
| Dodge, | Stoddard Judd, Samuel W. Lyman, Charles H. Larrabee |
| Fond du Lac, | Samuel W. Beall, Warren Chase. |
| Grant, | George W. Lakin, John H. Rountree, Alexander D. Ramsay, Orsamus Cole, William Richardson. |
| Greene, | James Biggs, William McDowell. |
| Iowa, | Stephen P. Hollenbeck, Charles Bishop, Joseph Ward. |

* The seat of this gentleman was contested by Mathias J. Bovee, but the contestant's claim was rejected, after the investigation of a committee on the subject.
† This gentleman never took his seat.

| *Counties.* | *Members.* |
|---|---|
| Jefferson, | Theodore Prentiss, Milo Jones, Abram Vanderpool, Jonas Folts. |
| La Fayette, | Charles Dunn, Allen Warden, John O'Connor. |
| Marquette, & Winnebago, | Harrison Reed. |
| Milwaukee, | Byron Kilbourn, Rufus King, Charles H. Larkin, John L. Doran, Garret M. Fitzgerald, Morritz Shoeffler, Albert Fowler. |
| Portage, | William H. Kennedy. |
| Racine, | Theodore Secor, S. R. McClellan, Horace T. Sanders, Frederick S. Lovell, S. A. Davenport, A. B. Jackson, Albert G. Cole, James D. Reymert. |
| Rock, | A. M. Carter, E. A. Foot, E. V. Whiton, Paul Crandall, Joseph Colley, L. P. Harvey. |
| St. Croix, | George W. Brownell. |
| Sheboygan, & Manitoowoc, | Silas Stedman. |
| Walworth, | James Harrington, Augustus C. Kinne, George Gale, Experience Estabrook, Hollis Latham, Ezra Mulford. |
| Washington, | Patrick Pentony, James Fagan, Harvey G. Turner. |
| Waukesha, | Peter D. Gifford, George Seagel, Squire S. Case, A. L. Castleman, Emulous P. Cotton, Eleazer Root. |

Morgan L. Martin was elected President.
Thomas McHugh, Secretary.

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## STATE GOVERNMENT.

The first session of the State Legislature was held at the Capitol at Madison, on Monday the fifth day of June, A.D., 1848, pursuant to the Constitution, which had been adopted by a large majority vote of the people. The apportionment of Senators and Representatives was under Constitutional provisions, until otherwise declared by law.

Senatorial Districts nineteen, each entitled to one Senator.

| *Senatorial Districts.* | *Senators.* |
|---|---|
| 1st. Brown, Calumet, Manitoowoc and Sheboygan, | Harrison C. Hobart. |
| 2d. Columbia, Marquette, Portage and Sauk, | Henry Merrill. |
| 3d. Crawford Chippewa, St. Croix and La Pointe, | Daniel G. Fenton. |
| 4th. Fond du Lac and Winnebago, | Warren Chase. |
| 5th. Iowa and Richland, | Henry M. Billings. |
| 6th. Grant, | George W. Lakin. |
| 7th. Lafayette, | Thomas K. Gibson. |

| *Senatorial Districts.* | *Senators.* |
|---|---|
| 8th. Greene, | E. T. Gardner. |
| 9th. Dane, | Simeon Mills. |
| 10th. Dodge, | William M. Dennis. |
| 11th. Washington, | Frederick W. Horn. |
| 12th. Jefferson, | Myron B. Williams. |
| 13th. Waukeska, | Joseph Turner. |
| 14th. Walworth, | John W. Boyd. |
| 15th. Rock, | Otis W. Norton. |
| 16th. Racine, 1st district, | Christopher Latham Sholes. |
| 17th. do. 2d do. | Philo White. |
| 18th. Milwaukee, 1st district. | Asa Kinney. |
| 19. do. 2d do. | Riley N. Messenger. |

Lieutenant Governor John E. Holmes, President of the Senate.
Henry G. Abbey was elected Chief Clerk.

MEMBERS OF THE HOUSE OF REPRESENTATIVES. SIXTY-SIX.

| *Counties.* | *Representatives.* |
|---|---|
| Brown, | David Agry. |
| Calumet, | Lemuel Goodell. |
| Columbia, | Joseph Kerr. |
| Crawford and Chippewa, | William T. Sterling. |
| Dane, | Henry M. Warner. |
| do. | Ebenezer Brigham. |
| do. | Samuel H. Roys. |
| Dodge, | Lorenzo Merrill. |
| do. | Charles Billinghurst. |
| do. | Benjamin Randall. |
| do. | Monroe Thompson. |
| do. | Stephen Jones. |
| Fond du Lac, | Charles Doty. |
| do. do. | Jonathan Dougherty. |
| Grant, | James Gilmore. |
| do. | Noah Virgin. |
| do. | Armisted C. Brown. |
| do. | Arthur W. Worth. |
| Greene, | Henry Adams. |
| Iowa and Richland, 1st district, | Thomas Jenkins. |
| Iowa and Richland, 2d do. | Abner Nichols. |
| Jefferson, 1st district, | Wales Emmons. |
| do. 2d do. | Peter H. Turner. |
| do. 3d do. | Davenport Rood. |
| La Fayette, 1st district, | Elias Slothower. |
| do. 2d do. | Ninian E. Whiteside. |
| Marquette, | Archibald Nicholls. |
| Milwaukee, 1st district, | Edward Wunderly. |
| do. 2d do. | Augustus Greulich. |
| do. 3d do. | William W. Brown. |
| do. 4th do. | Leonard P. Crary. |
| do. 5th do. | Andrew Sullivan. |
| do. 6th do. | Horace Chase. |

| *Counties.* | *Representatives.* |
|---|---|
| Milwaukee, 7th district, | Perley J. Shumway. |
| Manitoowoc, | Ezra Durgen. |
| *St. Croix and La Pointe, | William R. Marshall. |
| Portage, | James M. Campbell. |
| Racine, 1st district, | David McDonald. |
| do. 2d do. | Henry B. Roberts. |
| do. 3d do. | Samuel E. Chapman. |
| do. 4th do. | Julius L. Gilbert. |
| do. 5th do. | Elias Woodworth, Jr. |
| Rock, 1st district, | G. F. A. Atherton. |
| do. 2d do. | Alanson B. Vaughn. |
| do. 3d do. | A. P. Blakeslee.<br>Robert T. Carey. |
| do. 4th do. | Nathaniel Strong. |
| Sauk, | Delano Pratt. |
| Sheboygan, 1st district, | Charles E. Morris. |
| do 2d do. | Jedediah Brown. |
| Walworth, 1st district, | Gaylord Graves. |
| do. 2d do. | Prosper Cravath. |
| do. 3d do. | Erasmus D. Richardson. |
| do. 4th do. | Hugh Long. |
| do. 5th do. | Milo Kelsey. |
| Waukesha, 1st district, | Joseph W. Brackett. |
| do. 2d do. | Dewey K. Warren. |
| do. 3d do. | Chauncey G. Heath. |
| do. 4th do. | George M. Humphrey. |
| do. 5th do. | Joseph Bond. |
| Washington, 1st district, | Henry Allen. |
| do. 2d do. | Benjamin H. Mooers. |
| do. 3d do. | Adolphus Zimmerman. |
| do. 4th do. | Densmore H. Maxon. |
| do. 5th do. | William Caldwell. |
| Winnebago, | Erasmus D. Hall. |

Ninian E. Whiteside was elected Speaker.
Daniel Noble Johnson was elected Chief Clerk.
The Legislature adjourned on the 21st of August, 1848.

SECOND SESSION OF THE STATE LEGISLATURE.

1849.

*Senatorial Districts—Members.*

| | |
|---|---|
| 1st. Lemuel Goodell.† | 6th. George W. Lakin. |
| 2d. Henry Merrill. | 7th. Dennis Murphy.‡ |
| 3d. James Fisher. | 8th. E. T. Gardner. |
| 4th. Warren Chase. | 9th. Alexander Botkin. |
| 5th. Montgomery M. Cothren. | 10th. William M. Dennis. |

* Seat contested and vacated, replaced by Joseph Bowron.
† Seat contested by H. Eugene Eastman on the ground of ineligibility; but sustained in his seat by a vote on reports made.
‡ Resigned his seat, having been a Postmaster when elected.

*Senatorial Districts—Members.*

11th. Frederick W. Horn.
12th. Myron B. Williams.
13th. Frederick A. Sprague.
14th. John W. Boyd.
15th. Otis W. Norton.
16th. Christopher Latham Sholes,
17th. Victor Moreau Willard.
18th. Asa Kinney.
19th. John B. Smith.

| *Counties.* | *Members of the House of Representatives.* |
|---|---|
| Brown, | John F. Meade. |
| Calumet, | A. D. Dick.* |
| Columbia, | Joseph Kerr. |
| Crawford and Chippewa, | J. O'Neill. |
| Dane, | Charles Rickerson, Ira W. Bird, Samuel H. Roys. |
| Dodge, | Paul Juneau, Hiram Barber, George C. King, Jedediah Kimball, Parker Warren. |
| Fond du Lac, | Morgan L. Noble, Jonathan Daugherty. |
| Grant, | Robert Young, Davis Gillilan, Robert M. Briggs, James R. Vineyard. |
| Greene, | J. C. Crawford. |
| Iowa, | Jabez Pierce, Timothy Burns. |
| Jefferson, | Benjamin Nute, J. K. Pike, William H. Johnson. |
| Lafayette, | Daniel M. Parkinson, William Hill. |
| Marquette, | Satterlee Clark, Jr. |
| Milwaukee, | James B. Cross, Zelotus A. Cotton, Julius White, Stoddard H. Martin, John Flynn, Jr., Enoch Chase, Robert Wason, Jr. |
| Manitoowoc, | Charles Kuehn. |
| Portage, | John Delany. |
| Racine, | Marshall M. Strong, James D. Reymert, M. S. Ayres, Otis Colwell, Herman S. Thorp. |
| Rock, | Anson W. Pope, Samuel G. Colley, Lucius H. Page, Paul Crandall, Josiah F. Willard. |
| Sauk, | Cyrus Leland. |
| Sheboygan, | Harrison C. Hobart, Jedediah Brown. |
| St. Croix and La Pointe, | Joseph Bowron. |
| Walworth, | Samuel Pratt, E. J. Hazard, Samuel D. Hastings, G. H. Lown, Milo Kelsey. |
| Waukesha, | William H. Thomas, John H. Wells, Albert Alden, D. H. Rockwell, Thomas Sugden. |
| Washington, | Solon Johnson, James Fagan, Peter Turck, Patrick Toland, Chauncey M. Phelps. |
| Winnebago, | Thomas J. Townsend. |

Lieutenant-governor John E. Holmes, President of the Senate. William R. Smith, Chief Clerk. Harrison C. Hobart, Speaker of the House. Robert L. Ream, Chief Clerk.

This Legislature convened on the 10th of January, 1849, and adjourned on the 2d of April, 1849.

Session held at the Capitol, at Madison.

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* Stockbridge Indian.

THIRD SESSION OF THE STATE LEGISLATURE.

## 1850.

*Senatorial Districts.—Members.*

1st. Lemuel Goodell,
2d. G. De Graw Moore,
3d. James Fisher,
4th. John A. Eastman,
5th. Montgomery M. Cothren.
6th. John H. Rountree,
7th. Dennis Murphy.
8th. William Rittenhouse.
9th. Alexander Botkin.
10th. James Giddings.
11th. Frederick W. Horn,
12th. Peter A. Turner,
13th. Frederick A. Sprague,
14th. George Gale,
15th. Otis W. Norton.
16th. Elijah Steele,
17th. Victor M. Willard,
18th. Duncan Campbell Reed.
19th. John B. Smith.

| *Counties.* | *Members of the House of Representatives.* |
|---|---|
| Brown, | Charles D. Robinson. |
| Calumet, | David E. Wood. |
| Columbia, | Hugh McFarlane. |
| Crawford, and Chippewa, | William T. Sterling. |
| Dane, | John Hasey, Chauncey Abbott, Oliver B. Bryant. |
| Dodge, | Oscar Hurlburt, James Murdock, John Lowth, William T. Ward, Malcolm Sellers. |
| Fond du Lac, | Morgan L. Noble, Bertine Pinkney. |
| Grant, | Harry D. York, William McGonnigle, John B. Turley, Jeremiah E. Dodge. |
| Greene, | William C. Greene. |
| Iowa, | Moses M. Strong, Thomas M. Fullerton. |
| Jefferson, | Abram Vanderpool, Austin Kellogg, Alva Stewart. |
| La Fayette, | Cornelius De Long, John K. Williams. |
| Marquette, | —— Spaulding. |
| Milwaukee, | James B. Cross, Charles E. Jenkins, Edward McGarry, John E. Cameron, Garret M. Fitzgerald, Enoch Chase, Samuel Brown. |
| Manitoowoc, | Charles Kuehn. |
| Portage, | Walter D. McIndoe.* |
| Racine, | Horace N. Chapman, Stephen O. Bennett, C. P. Barnes, Samuel Hale, George M. Robinson. |
| Rock, | William F. Tompkins, John R. Briggs, Leander Hoskins, John A. Segar, E. C. Smith. |
| Sauk, | Caleb Crosswell. |

* Seat contested by John Delany, but sustained by vote of the House.

| *Counties.* | *Members of the House of Representatives.* |
|---|---|
| Sheboygan, | Horatio N. Smith, F. G. Manney. |
| St. Croix, and La Pointe, | J. S. Watrous. |
| Walworth, | Alender O. Babcock, Rufus Cheney, Jr., Alexander S. Palmer, George Sykes, Wyman Spooner. |
| Waukesha, | Patrick Higgins, Henry Shears, Pitts Ellis, John E. Gallagher, Anson H. Taylor. |
| Washington, | Solon Johnson, Eugene S. Turner, Edward Divin, Henry Weil, Cornelius S. Griffin. |
| Winnebago, | Leonard P. Crary. |

Lieutenant-Governor Samuel W. Beall, President of the Senate.
William R. Smith, Chief Clerk.
Moses M. Strong, Speaker of the House.
Alexander T. Gray, Chief Clerk.
This Legislature convened on the 9th of January, 1850, and adjourned on the 11th of February, 1850.
This session was held at the Capitol at Madison.

FOURTH SESSION OF THE STATE LEGISLATURE.

## 1851.

*Senatorial Districts.—Members.*

1st. Theodore Conkey,
2d. G. De Graw Moore,
3d. Hiram A. Wright,
4th. John A. Eastman,
5th. Levi Sterling.
6th. John H. Rountree,
7th. Samuel G. Bugh,
8th. William Rittenhouse,
9th. Eliab B. Dean, Jr.,
10th. James Giddings,
11th. Harvey G. Turner,
12th. Peter H. Turner,
13th. George Hyer,
14th. George Gale,
15th. Andrew Palmer,
16th. O. S. Head,
17th. Stephen O. Bennett,
18th. Duncan C. Reed,
19th. Francis Huebschman.

| *Counties.* | *Members of the House of Representatives.* |
|---|---|
| Brown, | John F. Lessey. |
| Calumet, | William H. Dick.* |
| Columbia, | William T. Bradley. |
| Crawford and Chippewa | William T. Price. |
| Dane, | Abram A. Boyce, Augustus A. Bird, Gabriel Bjornson. |
| Dodge, | John Muzzy, Asa W. French, John Lowth, Charles B. Whitton, William E. Smith. |

* Stockbridge Indian.

| *Counties.* | *Members of the House of Representatives.* |
|---|---|
| Fond du Lac, | Morris S. Barnett, Charles L. Julius. |
| Grant, | James B. Johnson, John N. Jones, Robert M. Briggs, William R. Biddlecome. |
| Greene, | Julius Hurlburt. |
| Iowa, | Charles G. Rodolph, Richard Tregaskis. |
| Jefferson, | Alonzo Wing, Patrick Regan, Samuel T. Clothier. |
| Kenosha, | Obed P. Hale, Henry Johnson. |
| La Fayette, | Nathan Olmstead, Samuel Cole. |
| Marquette, | Charles Waldo. |
| Milwaukee, | William K. Wilson, Charles E. Jenkins, John L. Doran, George H. Walker, Enoch Chase, Tobias G. Osborne, Patrick Cavney. |
| Manitoowoc, | G. C. O. Malmros. |
| Portage, and Marathon, | Thomas J. Moorman. |
| Racine, | William L. Utley, Peter Van Vliet, James Tinker. |
| Rock, | Edward Vincent, William F. Tompkins, John Bannister, Joseph Kinney, —— Seaver. |
| Sauk, | Nathaniel Perkins. |
| Sheboygan, | A. D. La Due, John D. Murphy. |
| St. Croix and La Pointe, | John O. Henning. |
| Walworth, | Adam E. Ray, Henry C. Hemmingway, Experience Estabrook, Elijah Easton, Wyman Spooner. |
| Waukesha, | John C. Snover, Peter D. Gifford, Aaron V. Groot, William A. Cone, Hosea Fuller, Jr. |
| Washington, | Frederick W. Horn, Harvey Moore, Frederick Stock, Francis Everly, John D. Tall. |
| Winnebago, | Edward Eastman. |

Lieutenant-Governor Samuel W. Beall, President of the Senate.
William Hull, Chief Clerk.
Frederick W. Horn, Speaker of the House.
Alexander T. Gray, Chief Clerk.
This Legislature convened on the 8th of January, 1851, and adjourned on the 17th of March, 1851.
This session was held at the Capitol at Madison.

### FIFTH SESSION OF THE STATE LEGISLATURE.

### 1852.

*Senatorial Districts.—Members.*

1st. Theodore Conkey,
2d. James S. Alban,
3d. Hiram A. Wright,
4th. Bertine Pinkney,
5th. Levi Sterling,
6th. Joel C. Squires,

*Senatorial Districts.—Members.*

7th. Samuel G. Bugh,
8th. Thomas S. Bowen,
9th. Eliab B. Dean, Jr.,
10th. Judson Prentiss,
11th. Harvey G. Turner,
12th. Alvah Stewart,
13th. E. B. West,
14th. Eleazer Wakely,
15th. Andrew Palmer,
16th. John R. Sharpstein,
17th. Stephen O. Bennett,
18th. Duncan C. Reed,
19th. Francis Huebschman.

| *Counties.* | *Members of the House of Representatives.* |
|---|---|
| Brown, Door, Oconto, and Outagamie, | Uriah Peak. |
| Calumet, | James Cramond. |
| Columbia, | James T. Lewis. |
| Crawford, Chippewa, Bad Axe, and La Crosse, | Andrew Briggs. |
| Dane, | Alexander Botkin, Hiram H. Giles, William A. Pierce. |
| Dodge, | D. L. Bancroft, T. B. Sterling, Maximilian Averbeck, William H. Green, Horace D. Patch. |
| Fond du Lac, | Benjamin F. Moore, N. M. Donaldson. |
| Grant, | William Richardson, Noah Clemmons, David McKee, Joel Allen Barber. |
| Greene, | T. J. Safford. |
| Iowa, and Richland, | John Toay, L. M. Strong. |
| Jefferson, | Thomas R. Mott, A. H. Van Nostrand, Jacob Skinner. |
| Kenosha, | Christopher L. Sholes, Lathrop Burgess. |
| La Fayette, | James H. Earnest, Matthew Murphy.* |
| Marquette, and Waushara, | Eleazer Root. |
| Milwaukee, | Charles Cain, Joseph A. Phelps, Wallace W. Graham, Jonathan L. Burnham, Edward Hasse, Valentine Knoell, William Beck. |
| Manitoowoc, | Ezekiel Ricker. |
| Portage, and Marathon, | George W. Cate. |
| Racine, | William L. Utley, Abraham Gordon, James Catton. |
| Rock, | William A. Lawrence, Simeon W. Abbot, John Hackett, George R. Ramsey, Azel Kinney. |

* Seat contested. Resigned, and replaced by George W. Hammett.

| *Counties.* | *Members of the House of Representatives.* |
|---|---|
| Sauk, | Jonathan W. Fyffe. |
| Sheboygan, | James McMillan Shafter, David B. Conger. |
| St. Croix, and La Pointe, | Otis Hoyt. |
| Walworth, | Stephen S. Barlow, J. H. Cooper, Timothy H. Fellows, Zerah Meade, Lewis N. Wood. |
| Waukesha, | John U. Hillard, Dennison Worthington, Thomas Sugden, Publius V. Monroe, Findley McNaughton. |
| Washington, | Simeon D. Powers, Phineas M. Johnson, Adam Staats, Densmore W. Maxon, Baruch S. Weil. |
| Winnebago, and Waupacca, | Dudley C. Blodget. |

Lieutenant-Governor Timothy Burns, President of the Senate.
John K. Williams, Chief Clerk.
James McMillan Shafter, Speaker of the House.
Alexander T. Gray, Chief Clerk.

The Legislature convened on the 14th of January, 1852, and adjourned on the 19th of April, 1852.

This session was held at the Capitol at Madison.

## SIXTH SESSION OF THE STATE LEGISLATURE.

### 1853.

*Senatorial Districts.—Members.*

1st. Horatio N. Smith,
2d. James S. Alban,
3d. Andrew M. Blair,
4th. Baruch S. Weil,
5th. Edward M. Hunter,
6th. Duncan C. Reed,
7th. John W. Cary,
8th. John R. Sharpstein,
9th. George R. McLane,
10th. Martin H. Bovee,
11th. Thomas T. Whittlesey,
12th. Eleazer Wakeley,
13th. Charles Dunn,
14th. Alva Stewart,
15th. Levi Sterling,
16th. Joel C. Squires,
17th. Ezra Miller,
18th. John R. Briggs, Jr.,
19th. Benjamin Allen,
20th. Bertine Pinckney
21st. Coles Bashford,
22d. Judson Prentice,
23d. David S. Vittum,
24th. Thomas S. Bowen,
25th. James T. Lewis.

| *Counties.* | *Members of the House of Representatives* |
|---|---|
| Adams and Sauk, | Charles Armstrong. |
| Bad-Axe and Crawford, | Hiram A. Wright. |
| Brown, Kewaunee and Door, | Randall Wilcox. |
| Calumet, | James Robinson. |
| Chippewa and La Crosse, | Albert D. Ladue. |
| Columbia, | O. D. Coleman, John Q. Adams. |

| *Counties.* | *Members of the House Representatives.* |
|---|---|
| Dane, | Matthew Roche, Harry Barns, Storer W. Fields, Perez C. Burdick, H. L. Foster. |
| Dodge, | E. N. Foster, Whitman Sayles, William M. Dennis, Patrick Kelly, John W. Davis, Edwin Hillyer. |
| Fond du Lac, | Querin Loehr, Isaac S. Tallmadge, Charles D. Gage, N. M. Donaldson. |
| Greene, | Thomas Fenton. |
| Grant, | Henry D. York, Hyman E. Block, Titus Hayes, Jeremiah E. Dodge, Joel Allen Barber. |
| Iowa, | Henry Madden, Philip W. Thomas. |
| Jefferson, | Patrick Rogan, James H. Ostrander, David J. Powers, William W. Woodman, John E. Holmes.* |
| Kenosha, | James McKisson, C. Latham Sholes. |
| La Fayette, | P. B. Simpson, Eli Robinson, Nathan Olmstead. |
| La Pointe and St. Croix. | Orrin P. Madden. |
| Manitoowoc, | Ezekiel Ricker. |
| Marquette and Waushara, | Edwin B. Kelsey, Ezra Wheeler. |
| Milwaukee, | Herman Haertel, Edward McGarry, Joseph Meyer, Henry C. West, Richard Carlile, Henry L. Palmer, Wm. A. Hawkins, Enoch Chase, John H. Tweedy. |
| Outagamie, Oconto, and Waupacca, | Arthur Resley. |
| Portage and Marathon, | George W. Cate. |
| Racine. | Horace T. Sanders, William H. Roe, Thomas West, Philo Belden. |
| Richland, | Henry Conner. |
| Rock, | Charles Stevens, Harrison Stebbins, William D. Murray, Harvey Holmes. |
| Sheboygan, | David Taylor, Charles B. Coleman. |
| Washington, | James W. Porter, Charles E. Chamberlain, William P. Barnes, Charles Schuttes. |
| Walworth, | John Bell, James Lauderdale, Joseph W. Seaver, T. H. Fellows, O. F. Bartlett, T. W. Hill. |
| Waukesha, | Winchel D. Bacon, Edward Lees, Orson Reed, Elisha Pearl. |
| Winnebago. | Curtis Reed, Lucas M. Miller. |

Lieutenant-Governor Timothy Burns, President of the Senate.
John K. Williams, Chief Clerk of the Senate.
Henry L. Palmer, Speaker of the House of Assembly.
Thomas McHugh, Chief Clerk.

This Legislature convened on the 12th of January, 1853, and adjourned on the 4th day of April, 1853, until the 6th day of June following, for the purpose, that the Senate might sit as a Court of Impeachment, and the Assembly be present to prosecute the trial of Levi Hubbell,

* Seat contested by Benjamin F. Adams, but sustained by vote of the House.

Judge of the Second Judicial Circuit, against whom Articles of Impeachment had been exhibited, charging him with acts of corrupt conduct and malfeasance in office. For this purpose the Legislature again convened on the 6th day of June, and adjourned finally on the 13th of July, 1853.

SEVENTH SESSION OF THE FIRST STATE LEGISLATURE.

1854.

*Senatorial Districts.—Members.*

1st. Horatio N. Smith,
2d. Joseph F. Loy,
3d. Andrew M. Blair,
4th. Baltus Mantz,
5th. Edward M. Hunter,
6th. Edward McGary,
7th. John W. Cary,
8th. Levi Grant,
9th. George R. McLane,
10th. James D. Reymert,
11th. Thomas T. Whittlesey,
12th. Eleazer Wakeley,
13th. Charles Dunn,
14th. Daniel Howell,
15th. Levi Sterling.
16th. Nelson Dewey,
17th. Ezra Miller,
18th. Lewis P. Harvey,*
19th. Benjamin Allen,
20th. Charles A. Eldridge,
21st. Coles Bashford,
22d. Ezra A. Bowen,
23d. David S. Vittum,
24th. Francis H. West,
25th. John Quincy Adams.

| *Counties.* | *Members of the House of Representatives.* |
|---|---|
| Adams and Sauk, | C. C. Remington. |
| Bad Axe and Crawford, | William F. Terhune. |
| Brown, Kewaunee and Door, | Francis Desnoyer. |
| Calumet, | Alexander H. Hart. |
| Chippewa, Buffalo, Jackson and Clarke, | William J. Gibson. |
| Columbia, | Alfred Topliff, A. C. Ketchum. |
| Dane, | Samuel H. Baker, Harry Barnes, Harlow S. Orton, Peter W. Matts, C. R. Head. |
| Dodge, | B. F. Barney, George Fox, Francis McCormick, Ruel Parker, Allen H. Atwater, John W. Davis. |
| Fond du Lac, | Major J. Thomas, N. M. Donaldson, Isaac S. Tallmadge, Edward Boener. |
| Grant, | William Hull, Lewis Rood, Milas K. Young, William Jeffrey, Edward Estabrook. |
| Greene, | Abner Mitchell. |
| Iowa, | Lemuel W. Joiner, John Toay, |
| Jefferson, | Charles J. Bell, David L. Morrison, Darius Reed, William Eustis, Theodore Bernhardt. |
| Kenosha, | Samuel Hale, Jesse Hooker |

* Seat contested by John R. Briggs who claimed to hold over on constitutional grounds, but did not prevail.

| *Counties.* | *Members of the House of Representatives.* |
|---|---|
| La Fayette, | James H. Knowlton, James H. Earnest, Peter Parkinson, Jr. |
| La Pointe, St. Croix, Pierce and Polk, | William M. Torbert. |
| Manitoowoc, | James M. Kyle. |
| Marquette and Waushara, | Archibald Nichols, Samuel McCracken. |
| Milwaukee, | John Crawford, Jackson Hadley, Peter Lavis, Henry Beecroft, Timothy Hagerty, Edward O'Neill, John Tobin, William Reinhardt, William E. Webster. |
| Outagamie, Oconto and Waupacca, | John B. Jacobs,.* |
| Ozaukee, | Frederick W. Horn, Milo M. Wheedon.† |
| Portage and Marathon, | Walter D. McIndoe. |
| Racine, | Nelson R. Norton, Charles S. Wright, John Smith, Thomas West. |
| Richland, | Nathaniel Wheeler. |
| Rock, | J. L. V. Thomas, David Noggle, Samuel G. Colley, Joseph Spaulding. |
| Sheboygan, | Adolph Rosenthal, John Mathes. |
| Washington, | Adam Schantz, Philip Zimmerman. |
| Walworth, | William P. Allen, O. F. Bartlett, P. W. Lake, Simeon W. Spaffard, Perry G. Harrington, Andrew Whiting. |
| Waukesha, | Edward Lees, Jesse Smith, Dennis Worthington, Chauncey H. Purple. |
| Winnebago, | Corydon L. Rich, George Gary. |

Lieutenant-Governor, James T. Lewis, President of the Senate.
Samuel G. Bugh, Chief Clerk of the Senate.
Frederick W. Horn, Speaker of the Assembly.
William Hull, Speaker of the Assembly, pro tempore.
Thomas McHugh, Chief Clerk of the Assembly.

The Legislature convened on the 11th day of January, 1854, and adjourned on the 3d day of April, 1854.

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* Seat contested successfully, by David Scott, who obtained it.
† Seat contested by Daniel M. Miller, unsuccessfully.

# SIEGE OF DETROIT, IN 1712.

General Lewis Cass, when minister to France, obtained permission from the French Government, to examine the Colonial Archives, at Paris, and to have such of the documents copied as were important to the early history of this region.

The following is among the papers thus obtained, and is the official report of M. Dubuisson, commandant of the Fort at Detroit, of its memorable siege by the savages, in 1712.

## OFFICIAL REPORT.

To the Marquis de Vaudreuil,

Governor-General of New France.

Sir:—As I have thought it was of great consequence to inform you of the state of this post by an express canoe, I have requested Mr. De Vincennes to make the voyage, having assured him that this arrangement would be pleasing to you, persuaded as I am, sir, that you are very solicitous about what passes here. The fatigue I undergo, day and night, in consequence of the public and private councils that I hold with the Indians, preventing me from rendering you a detailed account of all the circumstances, Mr. De Vincennes has promised to forget nothing which has passed, in order to communicate it fully to you.

The destruction of two Mascoutin and Ottagamie villages is one of the principal reasons which induces me to send this express canoe. It *is* God, who has suffered these two audacious nations to perish. They had received many presents, and some belts, from the English, to destroy the post of Fort Pontchartrain, and then to cut our throats, and those of some

of our allies, particularly the Hurons and Ottawas, residing upon the Detroit River; and after that, these wretches intended to settle among the English and devote themselves to their service. It is said that the band of Oninetonam, and that of Mucatemangona, have been received among the Iroquois, and have established a village upon their lands. This information has been brought by three canoes of Outagamies, who have been defeated by the Chippeways, within four leagues of this post. I am under some apprehension for the safety of Mr. Delaforet, because, being no doubt upon his march to this place, he may fall in with some of those hostile bands, who have joined themselves to the Iroquois.

The band of the great chief Lamina, and that of the great chief Pemoussa, came early in spring, and encamped, in spite of my opposition, at about fifty paces from my fort, never willing to listen to me, speaking always with much insolence, and calling themselves the owners of all this country. It was necessary for me to be very mild, having, as you know, sir, but thirty Frenchmen with me, and wishing to retain eight Miamis, who were with Mr. De Vincennes, and also to sow our grain, and pasture our cattle; and, besides, the Ottawas and Hurons had not come in from their winter hunt. I was thus exposed every day to a thousand insults. The fowls, pigeons, and other animals belonging to the French, were killed without their daring to say a word, and for myself, I was in no condition openly to declare my intentions.

One of their parties entered my fort, in order to kill one of the inhabitants, named Lagmenesse, and a daughter of Roy, another inhabitant. I could then no longer restrain myself, but took arms to prevent their accomplishing their object. I compelled them to retire immediately from the vicinity of the fort, in order not to give them time to strengthen their party, as they expected the Kickapoos, their allies, that they might together execute their nefarious project; hoping to be strong enough to retire without loss among the English and Iroquois. They waited but for a favourable moment to set fire to the fort.

But they were alarmed, when they learned that the party of Mascoutins, who had wintered upon the heads of the St. Joseph, had been cut off to the number of a hundred and fifty men, women, and children, by Saguinaw, a war-chief of the Ottawas and Pottawatamies. They immediately determined to set fire to an Ottawa cabin, which was close by the gate of my fort. I was informed of their intention by an Ottagamie Indian, named Joseph, who long since left his people and came to reside among us. It was from him I learned all that passed in the Ottagamie and Mascoutins village. He had the honour to be presented to you, sir, last year, at Montreal. He informed me of the intention to set fire to my fort, and I immediately sent an express canoe to the hunting-grounds of the Ottawas and Hurons, to request them to join me as soon as possible. I sent also another canoe to the other side of the lake, to invite the Chippeways and Mississaugas to join us.

The church, and the house of Mr. Mullet were outside of the fort, and all our wheat was stored there. The contrary winds prevented our allies from arriving, which troubled me much, as the circumstances now pressing, I prevailed on the few Frenchmen, who were with me, immediately to bring the wheat into the fort. And it was well I did so; for two days later it would have been pillaged. We had to fire upon the enemy to secure it, and as it was, they stole a considerable portion of it. But the principal object was to pull down, as quickly as possible, the church, the storehouse, and some other houses which were near my fort, and so close, that the Indians, at any time, by setting fire to them, might have burnt our works. And, besides, it was important, in order to defend ourselves in case of an attack, which very soon took place. It becomes us to render thanks to the Lord for his mercies. We should have been lost if I had not formed this determination. I put on the best countenance I could, encouraging the French, who were in consternation, believing themselves lost. The apprehension I entertained, that some accident might happen to the French, who had not yet arrived, and the necessity of sowing our grain and pasturing our cattle,

prevented me from refusing them permission to enter the fort to trade, for fear they should suspect I was aware of their object. The only thing I could do was to tell them that I apprehended the Miamis would attack me, because I permitted them to remain so near, and therefore I was about to repair my fort. They did not appear to give much credit to my assertions. Our men were obliged to draw some posts, of which the Indians had taken possession, in order to repair the fort, as soon as possible, and I succeeded perfectly well in effecting the repairs with material taken from some of the houses. They wished to preserve a pigeon-house, from which they might have assailed us, but I deceived them, and took posession of it. I placed it immediately opposite their fort, and pierced it with loop-holes. I mounted two swivels upon logs of wood, to serve as cannon in case of necessity.

The thirteenth of May, while I was impatiently awaiting the arrival of my allies, who were the only aid I could expect, Mr. De Vincennes arrived from the Miami country, with seven or eight Frenchmen. He brought me no news of the Indians, which gave me much trouble, and I did not know on what saint to call. But Heaven watched over our preservation, and, when I least expected it, there entered a Huron, all breathless, who said to me, "My Father, I wish to speak to you in secret. I am sent to you by our peace chiefs." There were then in their villages but seven or eight men. It seems that our deliverance was miraculous, for all the others arrived two hours after, and the Ottawas also. The messenger said, God has pity on you. He has decreed that your enemies, and ours, should perish. I bring you information that four men have just arrived at our fort, not daring to enter yours, on account of the Ottagamies and Mascoutins, who surround you. Makisabic, war-chief of the Pottawatamies, and his brother, Tchamasimon, are at their head, and desire to council with you.

I requested Mr. De Vincennes to meet them, and he recognized at once the four Indians. He returned, an hour after, to render me an account of the interview, and told me, on the

part of Makisabie, that six hundred men would soon arrive to aid me, and to eat those miserable nations, who had troubled all the country. That it was necessary to keep myself on my guard against the Ottagamies and Mascoutins, who might learn of the expected arrival of assistance.

I requested Mr. De Vincennes to return to the Huron fort, and to ascertain from Makisabie, if it would not be satisfactory to his people to content ourselves with driving away the Mascoutins and the Ottagamies, and compelling them to return to their former villages, which, sir, was your intention. But this could not be done, for the Hurons were too much irritated. This great affair had been too well concerted during the whole autumn and winter with all the nations. Mr. De Vincennes, perceiving it would only irritate the Hurons to speak of accommodation, dropped the subject, and the more readily, as they said these wicked men never kept their words. Nothing else could be done, but to be silent, and to put the best face upon the affair, while we fought with them against our common enemies. The Hurons even reproached us with being tired of living, as we knew the bad intentions of the Ottagamies and Mascoutins. They said it was absolutely necessary to destroy them, and to extinguish their fire, and it was your intention they should perish. They added, that they knew your views on this subject at Montreal.

Mr. De Vincennes returned, and told me it was useless to speak of any accommodation. And, in truth, I well knew there was great danger in having so many nations around us, of whose good intentions we were not certain. I then closed the gates of the fort, and divided my few Frenchmen into four brigades, each having its brigadier. I inspected their arms and ammunition, and assigned them their stations on the bastions. I put four of them into the redoubt I had just constructed. I placed some of them at the two curtains, which were most exposed, and armed them with spears. My two cannon were all ready, with slugs of iron prepared to load them, which had been made by the blacksmith. Our Rev. Father held himself ready to give a general absolution, in

case of necessity, and to assist the wounded, if there should be any. He communicated also the Sacred Host.

Every arrangement being made, and while we were waiting with impatience, I was informed that there were many people in sight. I immediately ascended a bastion, and casting my eyes towards the woods, I saw the army of the nations of the south issuing from it. They were the Illinois, the Missouris, the Osages and other nations yet more remote. There were also with them, the Ottawa Chief, Saguina, and also the Potawatamies, the Sacs, and some Menomenies. Detroit never saw such a collection of people. It is surprising how much all these nations are irritated against the Mascoutins and the Ottagamies. This army marched in good order, with as many flags, as there were different nations, and it proceeded directly to the fort of the Hurons. These Indians said to the head chief of the army, "you must not encamp. Affairs are too pressing. We must enter immediately into our Father's Fort, and fight for him. As he has always had pity on us, and as he loves us, we ought to die for him. And don't you see that smoke also. They are the women of your village, Saguina, who are burning there, and your wife is among them." Not another word was necessary. There arose a great cry, and, at the same time, they all began to run, having the Hurons and the Ottawas at their head. The Ottagamies and the Mascoutins raised also their war cry, and about forty of them issued from their fort, all naked, and well armed, running to meet our Indians, and to brave them, in order to make them believe they were not afraid. They were obliged however, to retreat immediately, and to return to their village. Our Indians requested permission to enter my fort, which I granted, seeing they were much excited. It was my design they should encamp near the woods, that they might not be troublesome to us. All the Indian chiefs assembled upon the parade ground of my fort, and spoke to me as follows: "My Father, I speak to you on the part of all the nations, your children, who are before you. What you did last year in drawing their flesh from the fire, which the Ottagamies were

about to roast and eat, well merits that we should bring you our bodies, to make you the master of them, and to do all you wish. We do not fear death, whenever it is necessary to die for you. We have only to request, that you would pray the Father of all Nations to have pity on our women, and our children, in case we should lose our lives with you. We beg you to throw a blade of grass upon our bones to protect them from the flies. You see, my father, that we have abandoned our villages, our women and our children, to hasten as soon as possible to join you. We hope that you will have pity on us, and that you will give us something to eat, and a little tobacco to smoke. We have come from a distance, and are destitute of every thing; we hope you will give us powder and balls to fight with you. We don't make a great speech. We perceive that we fatigue you and your people, by the ardour which you show for the fight." I immediately answered them, and briefly: "I thank you, my children; the determination that you have taken, to offer to die with us, is very agreeable to me, and causes me much pleasure. I recognize you as the true children of the Governor General, and I shall not fail to render him an account of all you have done for me to-day. You need not doubt, that when any question respecting your interest arises, he will regard it favourably. I receive orders from him every day, to watch continually for the preservation of his children. With regard to your necessities, I know you want every thing. The fire which has just taken place, is unlucky for you, as well as for me. I will do all I can to provide you with what you want. I beg you to live in peace, union, and good intelligence together, as well among your different nations as with the French people. This will be the best means of enabling us to defeat our common enemies. Take courage then; inspect and repair your war clubs, your bows and arrows, and especially your guns. I shall supply you with powder and ball immediately, and then will attack our enemies. This is all I have to say to you."

All the Indians uttered a cry of joy and of thanks, and

said: "our enemies are dead from the present moment. The heavens begin to grow clear, and the Master of Life has pity on us."

All the old men made harangues through the fort, to encourage the warriors, telling them to listen to my words, and strictly to obey all my orders. I distributed among them immediately a quantity of balls and powder; and then we all raised the war cry. The very earth trembled. The enemy, who were not more than a pistol shot distant, raised also their war cry, at the same time. The guns were immediately discharged on both sides, and the balls flew like hail.

We had to do as our Indians did, in order to encourage them. The powder and balls that you had the goodness to send us, sir, the past autumn, did not last long. I was obliged to have recourse to three barrels, that Mr. de Lamothe left with a certain Roy to sell, not leaving me a single grain when he went away, for the defence of the fort, in case of an attack. All mine was exhausted, as well as a quantity which I had been obliged to purchase of some of the French people.

I held the Ottagamies and the Masconting in a state of siege during nineteen days, wearing them out by a continual fire night and day. In order to avoid our fires, they were obliged to dig holes four or five feet deep in the ground, and to shelter themselves there. I had erected two large scaffolds, twenty feet high, the better to fire into their villages. They could not go out for water, and they were exhausted by hunger and thirst. I had from four to five hundred men, who blockaded their village night and day, so that no one could issue to seek assistance. All our Indians went and hid themselves at the edge of the woods, whence they continually returned with prisoners, who came to join their people, not knowing they were besieged. Their sport was to shoot them, or to fire arrows at them and then burn them.

The enemy that I had kept besieged, thinking to intimidate me, and by this means to have the field left open to them, covered their palisades with scarlet blankets and then hallooed to me that they wished the earth was all coloured with blood;

these red blankets were the mark of it; they hoisted twelve red blankets as standards in twelve different places of their village. I well knew that these signals were English, and that they fought for them. This, indeed, they told us, for we could speak from one fort to the other. They said they had no father but the English, and told all the nations our allies, that they would do much better to quit our side and join theirs.

The great war chief of the Pottawatamies, after having requested my advice and permission, mounted one of my scaffolds and spoke to our enemies in the name of all our nations in these words: "Wicked nations that you are, you hope to frighten us by all that red colour which you exhibit in your village. Learn, that if the earth is covered with blood, it will be with yours. You speak to us of the English; they are he cause of your destruction, because you have listened to their bad counsel. They are enemies of prayer, and it is for that reason that the Master of Life chastises them, as well as you, wicked men that you are; don't you know as well as we do, that the Father of all the Nations, who is at Montreal, sends continually parties of his young men against the English to make war, and who take so many prisoners, that they do not know what to do with them. The English, who are cowards, only defend themselves by secretly killing men by that wicked strong drink, which has caused so many men to die immediately after drinking it. Thus we shall see what will happen to you for having listened to them."

I was obliged to stop this conversation, perceiving that the enemy had requested to speak, merely to attract our attention while they went for water. I ordered our great fire to recommence, which was so violent, that we killed more than thirty men, and some women, who had secretly gone out for water. I lost that day twelve men, who were killed in my fort. The enemy, in spite of my opposition, had taken possession of a house, where they had erected a scaffold behind the gable end, which was of earth. Our balls could not penetrate this defence, and thus, every day, many of our people

were killed. This obliged me to raise upon one of my scaffolds, the two large logs upon which mere mounted our swivels. I loaded them with slugs, and caused them to be fired upon the scaffold, which troubled me so much. They were so well aimed, that at the first two discharges, we heard the scaffolds fall, and some of the enemy were killed. They were so frightened, that we heard them utter cries and frightful groans, and towards evening they called out to know if I would allow them to come and speak to me. I assembled immediately the Chiefs of all the nations who were with me, to ascertain their opinion; and we agreed it was best to listen to them, in order, by some stratagem, to withdraw from them three of our women, whom they had made prisoners some days before the siege, and one of whom was the wife of the great war chief Saguina. I told them, through my interpreter, that they might come in safety, to speak to me, as I was willing they should have that satisfaction before dying.

They did not fail, the next morning, to make me a visit. We were very much surprised not to see the red flag in their village, but only a white flag. It was the great chief Pemoussa, who was at the head of this first embassy. He came out of his village with two other Indians, carrying a white flag in his hand. I sent my interpreter to meet him, and conduct him to me, and to protect him from the insults of some of the young warriors. He entered my fort; I placed him in the midst of the parade ground, and then I assembled all the chiefs of the nations who were with me, to hear our embassador, who spoke in these words:—

(Presenting a belt of wampum and two slaves.)

"My Father, I am dead; I see very well, that the heaven is clear and beautiful for you only, and that for me it is altogether dark.—When I left my village, I hoped that you would willingly listen to me. I demand of you, my Father, by this belt, which I lay at your feet, that you have pity on your children, and that you do not refuse them the two days that they ask you, in which there shall be no firing on either side,

that our old men may hold a council, to find the means of turning away your wrath.

"It is to you that I now speak, you other children, listening to the advice of our father; this belt is to pray you to recollect that you are our kindred. If you shed our blood, recollect that it is also your own; endeavour, then, to soften the heart of our father, whom we have so often offended.

"These two slaves are to replace, perhaps, a little blood that you may have lost. I do not speak many words until our old men can counsel together, if you grant us those two days that I have asked of you."

I answered him thus: — "If your hearts were properly moved, and if you truly considered the Governor at Montreal as your father, you would have begun by bringing with you the three women whom you hold as prisoners; not having done so, I believe your hearts are yet bad. If you expect me to listen to you, begin by bringing them here. This is all I have to say."

All the chiefs who were with me, exclaimed with a high voice, "My father, after what you have just said, we have nothing to answer to this embassador. Let him obey you, if he wishes to live."

The embassador answered, "I am only a child. I shall return to my village, to render an account of what you have said, to our old men."

Thus finished the council. I gave him three or four Frenchmen to reconduct him, assuring him that we would not fire upon his village during the day, on condition, however, that no one should leave it to seek water; and that if they did so, the truce should be at an end, and we should fire upon them.

Two hours after, three chiefs, two of them Mascoutins, and the third an Outagamic, came bearing a flag, and bringing with them the three women. I made them enter into the same place where the others were stationed, and where all our chiefs were again assembled. The three messengers spoke

as follows:—"My father, here are these three pieces of flesh that you ask of us. We would not eat them, thinking you would call us to an account for it. Do what you please with them. You are the master. Now, we Mascoutins and Outagamies request, that you would cause all the nations who are with you to retire, in order that we may freely seek provisions for our women and our children. Many die, every day, of hunger. All our village regret that we have displeased you. If you are as good a father as all your children, who are around you, say you are, you will not refuse the favour we ask of you."

As I had now the three women whom I sought, I did not care any longer to keep fair with them, and I therefore answered, "If you had eaten my flesh, which you have now brought to me, you would not have been living at this moment. You would have felt such terrible coils, that they would have covered you so deep in the ground, that no one would any longer speak of you, so true is it that I love the flesh of the father of all the nations. With regard to the liberty that you demand, I leave to my children to answer you. Therefore I shall not say any more."

The head-chief of the Illinois, whose name is Makouandeby, was appointed by the chiefs of the other nations, to speak in these words:—

"My father, we all thank you for your kindness to us; we thank you for it, and since you give us permission to speak, we shall do so."

And then, addressing the hostile chiefs, he said:—"Now listen to me, ye nations who have troubled all the earth. We perceive clearly, by your words, that you seek only to surprise our father, and to deceive him again, in demanding that we should retire. We should no sooner do so, but you would again torment our father, and you would infallibly shed his blood. You are dogs, who have always bit him. You have never been sensible of the favours you have received from all the French. You have thought, wretches as you are, that we did not know all the speeches you have received from the

English, telling you to cut the throats of our father, and of his children, and then to lead the English into this country. Go away, then. For us, we will not stir a step from you; we are determined to die with our father; we should disobey him; because we know your bad heart, and we would not leave him alone with you. We shall see from this moment who will be master, you or us; you have now only to retire, and as soon as you shall re-enter your fort, we shall fire upon you."

I sent an escort to conduct the embassadors to their fort, and we began to fire again as usual. We were three or four days without any intercourse, firing briskly on both sides. The enemy discharged their arrows so rapidly, that more than three or four hundred were flying at the same time, and at their ends were lighted fuses: the object being to burn us, as they had threatened to do. I found myself very much embarrassed; the arrows fell upon all our quarters, which were covered with straw, so that the fire easily caught many of them, which frightened the French so much that they thought every thing was lost. I re-assured them, telling them that this was nothing, and that we must find a remedy as soon as possible. "Come then," said I, "take courage, let us take off the thatch from the houses, and let us cover them with bear skins and deer skins; our Indians will help us." I then directed them to bring in two large wooden pirogues, which I filled with water, and provided Badrouilles at the end of rods, to extinguish the fire, when it should break out any where, and hooks to pull out the arrows. There were four or five Frenchmen who were wounded. I fell into another embarrassment, much greater than this. My Indians became discouraged, and wished to go away, a part of them saying, that they should never conquer those nations.—That they knew them well, and that they were braver than any other people; and, besides, I could no longer furnish them with provisions.

This inconstancy ought to teach us how dangerous it is to leave a post so distant as this without troops. I then saw myself on the point of being abandoned, and left a prey to

our enemies, who would not have granted us any quarter, and the English would have triumphed.

The French were so frightened, that they told me they saw clearly it was necessary we should retire as quickly as possible to Michilimacinac. I said to them, "What are you thinking of? Is it possible you can entertain such sentiments? What! abandon a post in such a cowardly manner? Dismiss such thoughts, my friends, from your minds; do things appear so bad? You ought to know, that if you should abandon me, the Governor-General would follow you every where, to punish you for your cowardice. What the Indians have just said ought not to frighten you. I am going to speak to all the chiefs in private, and inspire them with new courage. Therefore change your views, and let me act, and you will see that every thing will go well." They answered me, that they did not think of retiring without my consent, nor without me at their head; believing that we could not hold the place if our Indians should abandon us. They begged me to pardon them, and assured me that they would do all I wished. And, truly, I was afterward very well contented with them. They did their duty like brave people.

I was four days and four nights, without taking any repose, and without eating or drinking, striving all the time to secure to my interest all the young war-chiefs, in order to keep the warriors firm, and to encourage them, so that they would not quit us until our enemies were defeated. To succeed in this object, I stripped myself of all I had, making presents to one and another. You know sir, that with the Indians one must not be mean. I flatter myself that you will have the goodness to approve all these expenditures, which for me are immense, and for the King of no consequence; for otherwise I should be very much to be pitied, having a large family, which occasions me a great expense, at Quebec.

Having gained all the Indians in private, I held a general council, to which I called all the nations, and said to them:

"What, my children! when you are just on the point of destroying these wicked nations, do you think of retreating

shamefully, after having so well begun? Could you lift up your heads again? You would be overwhelmed with confusion. All the other nations would say, are these the brave warriors, who fled so ignominiously, after having abandoned the French? Be not troubled, take courage, we will endeavour yet to find a few provisions. The Hurons and the Ottawas, your brothers, offer you some. I will do all I can to comfort you and to aid you. Don't you see, that our enemies can hardly preserve their position. Hunger and thirst overpower them. We shall quickly render ourselves masters of their bodies. Will it not be very pleasant, after such a result, when you visit Montreal, to receive there the thanks and friendship of the father of all nations, who will thank you for having risked your lives with me? For you cannot doubt, that in the report I shall make to him, I shall render justice to each of you, for all you will have done. You must also be aware, that to defeat these two nations, is to give that life and peace to your women and children, which they have not yet enjoyed."

The young war chiefs, whom I had gained, did not give me time to finish, but said to me, "My father, allow us to interrupt you; we believe there is some liar, who has told you falsehoods. We assure you, that we all love you too much, to abandon you, and we are not such cowards as is reported. We are resolved, even if we are much more pressed with hunger, not to quit you, till your enemies are utterly destroyed." All the old men approved of these sentiments, and said "come on, come on, let us hasten to arm ourselves, and prove that those are liars, who have reported evil of us to our father." They then raised a great cry, and sung the war song, and danced the war dance, and a large party went to fight.

Every day some Sacs, who had lived some time with the Ottagamies, left their fort and come to join their people, who were with me, and who received them with much pleasure. They made known to us the condition of our enemies, assuring us that they were reduced to the last extremity; that from sixty to eighty women and children had died from hunger and

thirst, and that their bodies and the bodies of those, who were killed every day, caused an infection in their camp, as they could not inter their dead, in consequence of the heavy fire that we continually kept up.

Under these circumstances, they demanded permission to speak to us, which was granted. Their messengers were their two great chiefs, one of peace, the other of war; the first named Allamima, and the other Pemoussa. With them, were two great Mascoutin chiefs, one Kuit, and the other Onabimaniton. Pemoussa was at the head of the three others, having a crown of wampum upon his head and many belts of wampum on his body, and hung over his shoulders. He was painted with green earth, and supported by seven female slaves, who were also painted and covered with wampum. The three other chiefs had each a Chichory in their hands. All of them marched in order, singing and shouting with all their might, to the song of the Chichories, calling all the devils to their assistance, and to have pity on them. They had even figures of little devils hanging on their girdles. They entered my fort in this manner when being placed in the midst of the nations, our allies, they spoke as follows:

"My father, I speak to you, and to all the nations who are before you. I come to you to demand life. It is no longer ours. You are the masters of it. All the nations have abandoned us. I bring you my flesh in the seven slaves, whom I put at your feet. But do not believe I am afraid to die. It is the life of our women, and our children, that I ask of you. I beg you to allow the sun to shine, let the sky be clear, that we can see the day, and that, hereafter, our affairs may be prosperous. Here are six belts, that we give you, which bind us to you, like your true slaves. Untie them, we beg you, to show that you give us life. Recollect, ye nations, that you are our great nephews; tell us something, I pray you, which can give pleasure on our return to our village."

I left it to our Indians to answer these embassadors. They were, however, so much enraged against them, that they

would not give them any answer. Eight or ten of them asked permission to speak to me in private.

"My father, we come to ask liberty of you to break the heads of those four great chiefs. They are the men who prevent our enemies from surrendering at discretion. When these shall be no longer at their head, they will find themselves much embarrassed, and will surrender."

I told them they must be drunk to make me such a proposition. "Recollect, that they came here upon my word, and you have given me yours. We must act with good faith, and if such a thing were done, how could you trust one another? Besides, if I acquiesced in this proposition, the Governor-General would never pardon me. Dismiss it, therefore, from your thoughts. They must return peaceably. You see clearly that they cannot avoid us, since you resolved not to give them quarter."

They confessed I was right, and that they were foolish. We dismissed the embassadors in all safety, without, however, giving them any further answer. These poor wretches well knew there was no longer any hope for them.

I confess, sir, that I was touched with compassion, at their misfortunes; but as war and pity do not well agree together, and particularly, as I understood, they were paid by the English, for our destruction, I abandoned them to their unfortunate fate; indeed, I hastened to have this tragedy finished, in order that the example might strike terror to the English, and to themselves.

The great fire recommenced, more and more violently; the enemy being in despair, beaten in their village and out of it; and when they wished to go for water or to gather a few herbs, to appease their hunger, had no other resource but an obscure night with rain, in order to effect their escape. They awaited it with much impatience, and it came on the nineteenth day of the siege. They did not fail to make use of it, decamping about midnight, and we did not know their escape until daylight. I encouraged our people, and they pursued them very vigorously. Mr. De Vincennes joined in the pur-

suit, with some Frenchmen, and this gave much pleasure to the Indians.

The enemy, not doubting but that they would be pursued, stopped at the Presq' isle, which is opposite Hog Island, near Lake St. Clair, four leagues from the fort.

Our people, not perceiving their entrenchment, pushed into it, and lost there twenty men, killed and wounded. It was necessary to form a second siege, and also an encampment. The camp was regularly laid out; there were a hundred canoes every day, as well Ottowas, Hurons and Chippeways, as Mississaugas to carry provisions there. The chiefs sent to me for two cannon and all the axes and mattocks that I had, to cut timber, and to place it so as to approach the hostile entrenchment; together with powder and ball. As for the Indian corn, tobacco and seasoning, they were supplied as usual, without counting all the kettles of the French, which are now lost, and that I had to pay for.

The enemy held their position for four days, fighting with much courage; and finally, not being able to do any thing more, surrendered at discretion to our people, who gave them no quarter. All were killed except the women and children, whose lives were spared, and one hundred men, who had been tied, but escaped.

All our allies returned to our fort with their slaves, having avoided it before, as they thought it was infective. Their amusement was to shoot for four or five of them every day. The Hurons did not spare a single one of theirs.

In this manner came to an end, sir, these two wicked nations, who so badly afflicted and troubled all the country. Our Rev. Father chaunted a grand mass to render thanks to God for having preserved us from the enemy.

The Ottagamies and Mascoutins had constructed a very good fort, which, as I said, was within pistol shot of mine. Our people did not dare to undertake to storm it, notwithstanding all I could say. The works were defended by three hundred men, and our loss would have been great, had we assaulted it; but the siege would not have been so long.

Our Indians lost sixty men killed and wounded, thirty of whom were killed in the fort, and a Frenchman, named Germain, and five or six others were wounded with arrows. The enemy lost a thousand souls, men, women, and children.

I ought not to forget, sir, to state, that there were about twenty-five Iroquois, who had joined themselves to the Hurons of the Fond du Lac in this war. These two nations distinguished themselves above all the others, and therefore their loss has been proportionably greater. They received the thanks of all the Indians, and more particularly, of the Pottawatamies, to whom they made satisfaction for an old quarrel, by presents of slaves and pipes. I brought about this accommodation. I dare venture to assure you, sir, that the general Assembly of all the nations has put them at peace with one another, and renewed their ancient alliance. They calculate upon receiving many presents, which they say, sir, you promised them.

I have determined, with the consent of his nation, to send to you the grand chief of the Illinois Rock village. His name is Chachagonache. He is a good man, and has much authority, and I trust, sir, that you will induce him to make peace with the Miamis.

This affair is of very great consequence, the Miamis having sent me word that they should abandon their village and build another on the Oyou, in the fond of Lake Erie. It is precisely where the English are about to erect a fort, according to the belts they have sent to the different nations. They also said that they would be contented if you sent them, sir, a garrison and a Rev. Father, a Jesuit, and some presents, that they say you promised them.

Makisabie, the Pottawatamie chief, has much influence over the mind of this Illinois chief. He goes with him. Joseph, who accompanies them, deserves your kindness. I have had much trouble to save his life.

I venture, sir, to request, that you would take care that the Indians, who are with Mr. De Vincennes, return contented; their visit secures this post.

Saguina has complained to me, that Mr. Destiettes would not wait for him last spring, believing it was through contempt.

Poor Otchipouac died this winter. It is a great loss to us, for he had much firmness, and was well disposed toward the French. We have another difficult affair, which threatens to give us much trouble. The Kickapoos, who live at the mouth of the Maumee River, are about to make war upon us, now that our allies have left us; about thirty Mascoutins have joined them. A canoe of Kickapoos, who came here to speak to the three villages, has been defeated by the Hurons and Ottawas. Among them was a principal chief, whose head was brought to me, with the heads of three others. This was done out of resentment, because the last winter they had taken prisoners some of the Hurons and the Iroquois; besides, they considered him a true Ottagamie. I believe that, if Mr. De Vincennes had not been at the mouth of the Maumee at the time, the Kickapoos would have killed the two Hurons and the Iroquois. There was every probability of it. Those same Indians took prisoner, also, Langlois, who was on his return from the Miami country, and who had charge of many letters from the Rev. Fathers, the Jesuits of the Illinois villages. All these letters have been destroyed, which circumstance has given me much uneasiness, as I am sure, sir, there were some for you from Louisiana. They dismissed him, after robbing him of his peltry, charging him to return and tell them the news; but he had no more desire to do that, than I had to permit him. However, the Ottawas might safely send there, because the Kickapoos have among them one of their women, with her children. I will endeavour to prevail upon the Ottawas and the Hurons, to accommodate their difficulties with the Kickapoos, in order that our repose may not be troubled here.

The different nations have returned peaceably with all their slaves. Saguina has abandoned his village, and gone to Michilimacinac. The Pottawatamies abandoned also theirs, and will either come here or go to the Illinois. More than half

of the Ottawas of this place will repair to Michilimacinac. The Chippeways and Mississaguas will go to Topicanich. They have not at all been disposed to make any satisfaction to the Miamis, for the murder of the last year, with Mr. De Tonty. The Miamis are very urgent upon this subject. I spare no trouble to induce them to be patient, and also to persuade them that I am labouring earnestly for their interest.

I have the honour to inform you, sir, that I accomplished a measure the last year, that Mr. De Lamothe never could effect, during all the time he was here; which was to compel the Ottawas to make a solid peace with the Miamis, and to engage them to visit the latter, which, till now, they never would do. I succeed very happily in the object, the Miamis having received them very kindly, and a durable alliance has been the consequence.

I flatter myself, sir, it will be agreeable to you to be informed that Mr. De Vincennes has faithfully performed his duty, and that he has laboured assiduously here, as well as on his voyage to the Miamis and Ouyatonons, the last winter.

If I am so happy, sir, as to receive your approbation of my conduct, I shall be fully compensated for all my trouble, and shall experience no more dejection.

My success has been much owing to the great influence I have over the nations; Mr. De Vincennes is the witness of this. I do not say this in order to gratify my vanity, or to claim any credit, for, truly, I am very tired of Detroit.

You can easily judge, sir, in what a condition my affairs must be, in consequence of having no presents, belonging to the king, in my hands. However, I venture to trust to your goodness, and hope that you will not suffer a devil to be reduced to beggary.

I have the honour to be, with very profound respect, sir, your very humble, and very obedient servant,

(Signed,) DUBUISSON.

Au Fort du Detroit, Pontchartrain, June 15, 1712.

Statement of expenditures, made by Mr. Dubuisson, for the service of the king, to gain an influence over the nations, and to secure them in his interest, in order to sustain the post of the Fort de Pontchartrain, of Detroit, against the Ottagamies and Mascoutins, who had been paid by the English to destroy it, to wit:

| | *Livres.* |
|---|---|
| 4 barrels of powder, of 50 lbs. each, to distribute to the Indians for the defence of Fort de Pontchartrain, and to attack that of the Ottagamies and Mascoutins; the powder having been purchased of the voyageurs, at 4 livres pr. lb., making the sum of | 800 |
| 300 lbs. balls, for the same object, at 50 sols the lb., | 450 |
| 60 bags of Indian corn, at 8 livres the bag, for the subsistence of the Indians, - - - - | 480 |
| 300 flints, at 7 sols per hundred, - - - - | 21 |
| 5 guns to give to five chiefs, in order to attach them to the interests of Mr. Dubuisson, estimated at 30 livres each, - - - - - - - | 150 |
| 8 blankets, to bury certain principal Indians, killed in the service, estimated at 30 livres each, - - | 240 |
| 8 pr. of leggins, for the same object, at 7 livres 10 sols the pr., - - - - - - - - | 60 |
| 8 shirts, for the same object, at 10 livres each, - | 80 |
| 100 lbs. tobacco, to be ready to be given to the Indians at all times, at 4 livres the lb., - - | 400 |
| 190 butcher knives, to use as bayonets, for the Indians, - - - - - - - - - | 100 |
| 3 lbs. vermillion, to paint the warriors, at 40 livres the lb., - - - - - - - - | 120 |
| | 2,901 |

I certify that I furnished, for the service of the king, for the defence of Fort de Pontchartrain, the articles mentioned in the above statement.

Done at Quebec, Oct. 14, 1712.

(Signed,) DUBUISSON.

# EARLY ADVENTURE.

## WILLIAM FARNSWORTH'S VOYAGE, 1818.

An instance of personal enterprise and adventure, similar as regards the route undertaken in going and returning, to that pursued by Father Marquette, has occurred in our own day, and is worthy of being recorded. In the summer of the year 1818, William Farnsworth, now of Sheboygan, was at Michillimackinac, together with Ramsay Crooks, of the American Fur Company, whose business called him to St. Louis. Accordingly, Messrs. Crooks and Farnsworth, with seventeen *voyageurs*, and three passengers, embarked in a birch-bark canoe at Michillimackinac, and passed up the Lake and Green Bay to the mouth of Fox River. This river they ascended, overcoming the Falls, and crossing the Portages, until they arrived at the present site of Winnebago City, where the last carrying-place, brought them into the Wisconsin River. This stream they descended to its junction with the Mississippi, which latter they also floated upon, until they had arrived at St. Louis. Their own health, and that of their *voyageurs*, continued good, and their birch-bark canoe was in careful order. Having transacted their business, the return route was commenced, and the Mississippi ascended as far as the mouth of the Illinois River. Pursuing their homeward course up the Illinois, they at length arrived at the portage across to the Chicago River, into which they launched their canoe, and descended to Lake Michigan. At that time, there were only two or three families there, Beaubien's and Dr. Wolcott's are remembered. The old fort had been destroyed in 1812, and although regarrisoned in 1816, yet, when our adventurers

were there, it was abandoned. From the present site of the city of Chicago, our birch-bark canoe, and living freight, coasted along the western shore of Lake Michigan, until they arrived at the entrance of Milwaukee River. At this place, there had been a trading post, of traders from Montreal, previous to any establishment by the American Fur Company. Our party did not land here, but they saw a considerable number of Indians on the banks of the river; they were a mixed people, consisting of Pottowatamies, Ottawas, Menomonies, and Chippewas. It is said, that, whenever any Indians of these bands had committed any depredation, or offence, punishable according to Indian law, they made their escape to these parts, as somewhat out of the general course of gregarious communication of the several tribes, and here associated themselves together. Winnebagoes also were found among them, and they intermarried with the former, as their villages were at a short distance only, both westward and northward.

The next point our travellers came to, was the mouth of Sheboygan River, and here they landed on the 1st of July, 1818. A great number of Indians were at this time assembled here, and from their representations, and the beauty of the location, together with its apparent appropriateness for a trading post, Mr. Farnsworth was induced, two years afterward, to commence trading with them at this point.

After having been about one month only on their novel and adventurous voyage, of more than eighteen hundred miles, Messrs. Crooks and Farnsworth, with their full complement of voyagers, who had set out with them, returned to Michillimackinac in the same birch-bark canoe, in safety and in health.

In 1820, Mr. Farnsworth sent two persons in his employ to the mouth of Sheboygan River, with merchandize, to trade with the Indians, which trade was continued by him until 1834, when the whites began to settle in the adjoining country, as the lands were then being surveyed. At the land sales, in 1835, Messrs. William Farnsworth, Daniel Whitney, and William Bruce made entry of one thousand two hundred

and eighty acres, including the present village of Sheboygan, and both sides of the river. Mr. William Farnsworth still resides at Sheboygan, and the location still possesses the beauty of aspect, and apparent business and trading advantages which they exhibited to him in 1818, and induced his settlement at this delightful point on the western shore of Lake Michigan.

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## PERSONAL NARRATIVE OF COLONEL WILLIAM S. HAMILTON.

Colonel Hamilton says, that he started from Springfield, Illinois, for Rock Island, in May 1825, to attend to some business there. After having attended to it he started back for Springfield. When he reached the Mackinaw River, he met a drove of cattle belonging to him, which on leaving Springfield for Rock Island he had ordered to be sent to Green Bay, he having a contract to supply the fort at that place with cattle. On reaching the Mackinaw he found that the drove had been crossed over, but that in effecting a passage, a man had been lost by drowning, the river being very much swollen. The party with the cattle being discouraged, the colonel decided at once, to accompany them himself to Green Bay. He crossed the Mackinaw at Dillon's settlement. He left the Mackinaw for Green Bay some time early in June with four men and about seven hundred head of cattle. His route from the Mackinaw was to the Illinois at the mouth of the Fox River. At that time there was no settlement between Dillon's, on the Mackinaw, and Chicago, except on a stream called "Nine Mile Creek," a stream between the Mackinaw and Vermillion. William Holland was living where he crossed "Nine Mile Creek;" Holland had been the Indian Blacksmith at Peoria.

At the mouth of Fox River, he found some Potawatomies; he crossed the Illinois just above the mouth of the Fox; the river being high, it was necessary to swim it. His cattle had cost him on an average less than ten dollars a head.

When he arrived at Chicago he found the fort was not occupied by troops, but was under the care of ——— Forsyth, the Indian agent. He there met with Colonel Beaubien and ——— Crafts, of the American Fur Company. In crossing the Chicago River, Colonel Beaubien's brother, in assisting the passage of the cattle contrived to drown one of them, so that they might have a chance to buy it, as he afterwards (in 1836) told Colonel Hamilton; knowing that Colonel Hamilton would not sell, as his cattle were contracted for, by the government. He also met at Chicago with Dr. Wolcott who was married to a daughter of Mr. Forsyth. He also met there with Lieutenant Helm, formerly of the United States army, and his wife; Helm was one of those, who were saved at the Chicago massacre. He also found there a Frenchman named "Ouillimette"[1] who had a farm on the Chicago River. From Chicago to Gros Pointe he followed up the lake, though not immediately along the shore. Not far from Gros Pointe, on a level and not elevated piece of ground, were the remains of an old fort, called at that time "Little Fort," the site perhaps, of the town now called by the same name. From Gros Pointe to Milwaukee, he followed mainly the shore of the lake; there were no white inhabitants between Chicago and Milwaukee; they passed some few Indians, but no Indian villages.

On reaching Milwaukee he found but one solitary person there,—Solomon Juneau. He was entirely alone—he had not his family with him—there was not even an Indian there. Colonel Hamilton thinks he recollects that Juneau told him that some persons had gone off for provisions. James Kinzie[2] had a trading house on the south side of Milwaukee River, but at that time it was not occupied. Juneau had a trading house on the north side of the river. There were no other persons having houses there at that time. He found Juneau nearly starved out, and delighted to see him and his provi-

[1] Of Gros Pointe, and Root River, afterwards.

[2] Of Racine.

sions. Mr. Juneau at that time was an Engagè for the American Fur Company.

Colonel Hamilton kept up the lake from Milwaukee to Manitoowoc; between the two places he found Colonel Ebenezer Childs, afterwards a member of the Legislature from Brown County, with a party of men, with a seine, and a Mackinaw boat fishing for white fish; Childs and his party were from Green Bay; there was no settlement between Milwaukee and Manitoowoc. At Manitoowoc, they left the lake for Green Bay; the first house they reached was at Duck Creek,[1] where was a saw mill, about four miles from Green Bay.

At Green Bay was Fort Howard, garrisoned by a regiment of troops under the command of Major Whistler; the town of Green Bay was then mostly occupied by the French. There were some Americans there, but about four-fifths of the people were French; of the Americans then there, were Arndt, Law, the Irwins. Colonel Brevoort was Indian Agent.

Colonel Hamilton arrived at the bay about the 27th or 28th of June; by his contract he was to be there with his cattle on the 4th of July. He remained there until the 6th or 7th of July, when he took the back track to Milwaukee. There was an Indian village at Manitoowoc, or Twin Rivers, of different tribes.[2] On his return to Milwaukee he found Juneau, a few other Frenchmen and some Indians. At Milwaukee he left the lake, and followed an Indian trail southwesterly and came upon the Illinois somewhere about Mount Joliet. From thence he kept down the Illinois to the mouth of Fox River where he crossed it and thence went back to Springfield by the usual route.

It was on this trip that Colonel Hamilton first set his foot in Wisconsin; he lost none of his cattle except the one purposely drowned in the Chicago River.

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[1] He means Maniton River.

[2] The "mixed people, Chippewas, Ottawas, Menomonees, Potawatamies," as at Milwaukee.

The above narrative was taken from Colonel Hamilton's dictation by Cyrus Woodman, Esq., on February 11th, 1849. Colonel Hamilton after having resided in Iowa County, Wisconsin since 1828, went to California, and died there in 1851.

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## EARLY MAIL-CARRIERS.

RELATED TO THE COMPILER BY JAMES HALPIN.

In May, 1832, James Halpin, (now of Madison, Superintendent of public property,) at that time a soldier in the United States army, commenced carrying a mail from Prairie du Chien to Fort Snelling, by order of Colonel Zachary Taylor, then in command at Fort Crawford. He travelled the most of the time on foot, and continued to carry his mail-bag for one year. The time spent in going and returning was fourteen days; the distance between the two posts was about three hundred miles. He crossed the Mississippi at Prairie du Chien, and travelled on the western side of the river. He crossed the Upper Iowa River by means of a canoe, which he found on the bank, it having probably been left there by some traveller, or, perhaps, by an Indian. There was no stream of any consequence, except the Iowa, to cross, until he reached the St. Peter's River, near Fort Snelling. There was no shelter, cabin, or tent for him on the route, but sometimes he would come across a temporary Indian encampment, where he was always well treated; but he seldom found the encampment in the same place a second time. His duties were certainly of a very laborious character, and it is well known that they were faithfully discharged.

# LEAD TRADE WITH THE INDIANS.

Mr. John Shaw, of Marquette county, Wisconsin, had boated on the Mississippi, between St. Louis aud Prairie du Chien, during the years 1816, '17, '18, '19, and '20, and in this period made eight trips between these two places, carrying merchandize, and trading on the river. He had made an effort to go up the river, in 1815, but the Indians would not permit him; in June, 1816, he succeeded.

The Indian traders on the Upper Mississippi had made purchases of goods from the merchants at St. Louis; in payment for which, they were desirous of remitting lead from the upper mines, which had been received by them, in trade, from the Indians, and all of which was of their own smelting and manufacture from the mineral.

At this period, boats were propelled up the Mississippi by means of poles and sails; and, in this manner, a distance of one hundred and ten miles has been accomplished in one day, against the stream. The voyage up the river, from St. Louis to Prairie du Chien, ranged from twelve days to one month; in descending the river, from the one point to the other, the average time occupied was from six to ten days.

Having arrived at Prairie du Chien, in 1816, with his cargo, and discharged it, Mr. Shaw returned down the river, having been directed by the traders to procure a back freight of lead at the lead mines, near where the city of Galena now is situated; he learned that the Indians were greatly opposed to his going up Fevre River, lest he should see the lead mines, although this was subsequent to the treaty of 1815.

When Mr. Shaw reached the point where Cassville now is built, the traders requested him to remain with his boat at the

mouth of Fevre River, until they brought the lead down to him. This he refused to do, as he was desirous of going up the river himself, if permission could be obtained from the Indians. This permission was denied, the Indians giving as a reason for their refusal, that the "white men[1] must not see their lead mines." Mr. Shaw speaking French as fluently as English, he was passed off to the Indians as a Frenchman, and thus permitted to go up Fevre River, to their smelting establishments. In the immediate neighbourhood of the site of the present city of Galena, there were at least twenty furnaces; the lead of each trader was stacked up separately on the bank of Fevre River. This lead was in masses called *plats*, each of which weighed about seventy pounds, near the uniform weight of the cast pigs of lead of the present day. These *plats* were made by smelting the mineral in a small walled hole, in which the fuel and mineral were mingled, and the liquid lead run out, in front, into a hole scooped in the earth, so that a bowl-shaped mass of lead was formed therein. At this time, Mr. Shaw took in his boat seventy tons of lead, and still left much at the furnaces.

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## INCIDENTS OF THE WAR OF 1812.

### ATTACK AT ROCK ISLAND.

The personal narrative of Mr. John Shaw, of Marquette county, Wisconsin, touching events of the war of 1812, gives the following relation:—

"Previous to the capture of Prairie du Chien, General William Clark, having superintendence at St. Louis, (perhaps under Governor Howard,) fitted out a large boat, having on board all the men that could be mustered and spared from the lower country, to ascend the Mississippi and protect the

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[1] Meaning the "Americans exclusively."

upper settlements. This boat, with from two hundred and fifty, to three hundred men on board, ascended the river as far as Prairie du Chien. On their arrival at the prairie, they immediately commenced putting the old fort in a state of defence, repairing the out-works, and fortifying it in the best manner they were able. In a short time, Colonel McCoy,[1] of the British army, arrived with a large force of British and Indians. Col. McCoy had reached Green Bay after the surrender of Mackinaw, and had been piloted up the Fox River, with his forces, to the Winnebago Portage; thence he descended the Wisconsin River to Prairie du Chien. It is well known, that Joseph Rolette, late of Prairie du Chien, residing then, it is believed, at Mackinaw, assisted in piloting the expedition. The British force, with their Indian allies, was overwhelming; the fort was captured, after a determined and strong resistance, and an indiscriminate massacre of the Americans, by the savage allies of the British, would undoubtedly have taken place, had it not been for the utmost humane exertions of Colonel McCoy. Even these exertions to save the lives of the prisoners, were at times doubtful in their result, until, after repeated and forcible remonstrances with the Indians against their contemplated barbarous massacre, the colonel succeeded in getting the prisoners on board of the large boat, which had brought the Americans up the Mississippi, and she commenced her downward voyage. The colonel, in the spirit of a generous and humane enemy, despatched some force with her, in order to protect the prisoners, and even then the Indians followed, as if determined never to relinquish their prey, which they saw thus rescued from their grasp. The boat passed Rock Island, and having descended the Rapids, she was out of danger from the Indians; in fact, when she arrived at the head of the Rapids, the pursuit was abandoned by her savage enemies.[2]

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[1] Or McKay, as sometimes called.

[2] Black Hawk, in his memoirs, states that he had seen the large boat going up the river, and also in descending it; when he saw the boat returning, he then knew that Prairie du Chien was captured. (1814.)

"About two months after the capture of Prairie du Chien, Major Zachary Taylor came up the Mississippi, with twenty-two fortified boats, each containing an average of about eighty men, under his command. When the expedition arrived near Rock Island, it was discovered that about four thousand Indians had there collected. The British had erected a false, painted battery, on the left bank of the river, apparently mounted with six twelve-pounders; but in reality they had but two guns with them, one of which was entrusted to the care of the Indians.[1] Mr. Shaw was on board the boat with Major Taylor. The battle commenced, and the first ball from the British guns passed completely through the advance boat, on which was Taylor, and he instantly ordered it to be put about; the second ball cut off the steering oar of the next boat that was advancing, and a strong wind springing up at that moment, this boat drifted over the river to the western bank, a short distance below the present town of Davenport; the men having no oar to steer with, could not prevent this occurrence. About one thousand Indians immediately took to their canoes, and paddled over the river, expecting, no doubt, to get the boat as a prize, as she must inevitably drift into shallow water. The Indians kept up a constant fire on the unfortunate boat, and a number of Indians, mounted on horseback, came galloping down the western shore, with their guns elevated in their right hands, gleaming in the sun, and shouting their war-cries in the most hideous manner. On the first fire from the British guns, and immediately after the passage of the ball through the foremost boat, Major Taylor had ordered a retreat. General Samuel Whiteside, who had command of one of the boats, impelled with the natural desire of assisting the disabled boat, that was drifting across the river, into the power of merciless enemies, disobeyed the order, and steered toward the disabled craft. When he approached it, he called for 'some brave man to cast a cable from his own boat on board of her.' An individual, named Paul Harpole,

[1] See Black Hawk's Account.

jumped from the disabled boat, in a most exposed situation, caught the cable, and made it fast to the boat. In less than a minute's time, a thousand Indians would have been aboard of her; she was then in two and a half feet water, among small willows, which in some measure protected the Indians. In the mean while, Harpole called for guns to be handed him from below; stood on the deck of the boat, completely exposed; fired no less than fourteen guns, when he was eventually struck in the forehead by a ball; he pitched forward towards the Indians, and the instant he struck the water, the savages had hold of him, hauled him on shore, and cut him with their knives into a hundred pieces. All this was witnessed by the other boats, and the crippled boat having been towed off into deep water, the whole body retreated, and descended the Mississippi."

This expedition under Major Taylor had left St. Louis on the third of August, 1814.

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## RED BIRD'S DISTURBANCES.

The personal narrative of James H. Lockwood, Esq., of Prairie du Chien, in relation to events which occurred in that vicinity during the Indian disturbances, as communicated to the compiler, is as follows:

"Red Bird died in prison some time previous to the trial of two other Indians who were concerned with him in the murder of Solomon Lipcap, and Registe Gagnier on the lower end of the Prairie du Chien. Red Bird belonged to the band of Win-no-shic, and was considered by the traders, previous to this murder, as a good Indian, a good hunter, &c.; he always claimed to be *English*, and when he came among the whites, usually wore a red coat. He is suspected to have been concerned in the murder of Methode and family in the Spring of 1827, but I am not aware that there was any testimony against him to that effect.

"Methode was a half-breed from the Red River; he came to

this place (Prairie du Chien) some time in the summer of 1826, and in the spring of 1827 went about twelve miles above this, on the Iowa side, to Painted Rock Creek, to make maple sugar; he took his family with him, consisting of his wife and two children, and the wife *enciente*. When they were discovered, they were so burned that it was impossible to ascertain whether they had been murdered and then burned, or whether their cabin had caught fire when they were asleep, and they were thus burned; but the belief here was, that they were first murdered by the Indians and then burned.

"During the winter of 1826–7 a report had been circulated among the Winnebagoes that the Americans and English were going to war the next summer, and the Indians on the Mississippi and Rock Rivers instead of hunting, had spent most of their time in feasts and councils, as to the course they should pursue. Their conduct was somewhat controlled by the vacillating policy of the general government as to the abandonment of old Fort Crawford. In those days the mail facilities of this place were such, that sometimes, letters or despatches of the government by keel-boat conveyance, were ninety days on their way from St. Louis.

"In the winter and spring of 1826, I think, orders were twice received by the commanding officer to abandon Fort Crawford, and before he could obey the order, another would be received by him, countermanding it; but some time in October 1826, a positive order was received to abandon the post, and go to Fort Snelling with the troops, and if transportation for the stores, ammunition, arms, &c., could not be procured, to leave them in the fort in charge of some person. They accordingly abandoned to the fort, leaving arms, ammunition, &c., in charge of John Marsh, then Indian sub-agent for the Winnebagoes.

"About a week or two before the abandonment of the fort, it was reported that the Winnebagoes intended to attack the fort; an alarm was thus created, and the commandant had been making considerable repairs on account of it. All this

was known to the Indians, through the half-breeds, and the abandonment of the fort under these circumstances, led the Indians to believe that the act was done through fear of them. Although it was known to the traders that there was a great deal of excitement among the Winnebagoes, they did not generally believe that there would be any outbreak against the whites.

"After the troops had gone, there were no American families left in Prairie du Chien except that of James H. Lockwood, which consisted of his wife and self; they resided in a house near the present Fort Crawford, on the site now occupied by the commanding officer. The house was thirty feet by twenty feet, with a cellar and cellar kitchen under the house; on the first floor a hall ran through the house, on the south side, the longest way; on the north side of the hall was a parlour in front, and a bed-room back; a stair-way and door led from the cellar-kitchen into the hall; there was a door from the hall into both the parlour and bed room, also a door from the parlour into the bed-room. A wing was added to the south side of the house, in which Mr. Lockwood kept his store, and a door opened from the hall into the store.

"On the 25th day of June, 1827, Mr. Lockwood not believing that there would be any difficulty, left home in a boat, by way of the Wisconsin River and Green Bay, for New York, and leaving his wife at home. Having proceeded some twenty miles up the Wisconsin River, towards night, he met with some Winnebagoes on an island. These were Indians that he knew, but from their conduct he became a little alarmed, and began to fear that all was not right; nevertheless he went on a little farther and encamped, the Indians following under pretence of camping with him, which an old man did; but two young men begged some powder and candles, under pretence of hunting deer, and promised to bring him some venison in the morning, but he did not see them again.

"On the 26th of June, Red Bird with his two companions went into the cellar kitchen of Mr. Lockwood's house, (where there was a servant-girl belonging to one of the tribes of the

New York Indians at Green Bay,) and loaded their guns. They then went up stairs into Mrs. Lockwood's bed-room, and when they came in, she at once thought that they had come to kill her, and she fled through the parlour, and across the hall into the store, to her brother a young man about sixteen years of age. Here she found Duncan Graham, who had been some forty years in the country as a trader, and was known to all the Indians as an Englishman. The Indians followed Mrs. Lockwood into the store, but Mr. Graham persuaded them to go away. They then went to the lower end of the Prairie du Chien where a man of mixed blood, (negro,) by the name of Registe Gagnier, was residing with his family, and an old discharged American soldier, by the name of Lipcap. They soon raised a quarrel with Gagnier and shot him in his house; Lipcap was hoeing in the garden, and they shot him down also; the wife made her escape with one child, through a window, with a gun in her hand, and came to the village; but in her hurry she had forgot her youngest child, which the Indians scalped, cut a severe gash in its neck, and threw it under the bed, where it was afterwards found. This child ultimately recovered, and is now married and the mother of children.

"On the 26th, Mr. Lockwood proceeded on his way up the Wisconsin, and about eight o'clock met with some Indians from the Portage who appeared friendly, and pleased to meet him, which in a measure removed his apprehensions of there being any thing wrong among the Winnebagoes. Leaving them, he proceeded on until about four o'clock, when, as he arrived at Prairie du Bay, a Menomonee express canoe overtook him, with a line from John Marsh stating the murders of Gagnier and Lipcap, and requesting his immediate return.

"Mr. Lockwood immediately turned back with the Menominies, but did not reach Prairie du Chien until the morning of the 27th, when he found the inhabitants assembled at Brunet's tavern in the old village of Prairie du Chien; and, as usual in such cases, without a head and without ammunition. They would not go to the old fort because some of the people had

circulated a report that the Indians had said, that if the inhabitants went into the fort, they were going to burn it.

"Thus the day was passed in making some breastworks of timber about the tavern, and repairing some old guns until about sun down, when a keel-boat arrived from above, bringing one dead Winnebago, and one Frenchman and the clerk of the boat, with four or five of the hands wounded; the marks of about five hundred ball holes shot into the boat were also apparent; all of which matters created an additional panic, and the inhabitants managed to arrange among themselves, so as to keep up a guard that night.

"But the guard imagined that they saw a great many Indians lurking about during the night, and in the morning there appeared a general discontent among them. Almost every man had a project of defence of his own. One party proposed going to the house of Mr. Lockwood and fortifying around it; others, for doing the same at other places. Mr. Lockwood, on hearing these different opinions, addressed the people in something like the following terms:

"You may go to my house, and fortify around it, if that is thought to be best, but I do not want you to go there to protect it; I have left it, and if the Indians burn it, so be it; but there is one thing we all must do—some body must command, and the others must obey."

"Some one then nominated Mr. Lockwood, but he declined, saying, "No, I would attempt to command you; but here is Thomas McNair, the regularly appointed and commissioned captain. If you will obey him, I will be the first to set the example of obedience to him, and will furnish you with powder and ball as long as you want to shoot; (Mr. Lockwood then being the only person having lead and powder which they could get;) but if you will not obey McNair, I am going to put my things into my boat, and go down stream, as I will not risk myself with a mob without a head."

"They immediately agreed that they would obey McNair, and he ordered all to the old fort, where we set to work repairing it as well as we could. On the fourth of July, Go-

vernor Cass arrived, mustered the militia into the service of the United States, and appointed James H. Lockwood quarter master and commissary, with the privilege of using his own funds to supply the company; and then went down to Galena and raised a volunteer company, under Captain Abner Field, who in a few days came to our relief.

"Previous to the arrival of Governor Cass, Mr. Lockwood had sent an express on the west side of the Mississippi to Fort Snelling, informing Colonel Snelling, the commandant, of our situation, who, immediately on receiving the express, embarked two companies on a keel boat, and promptly came to our relief.

"The origin of the Indian difficulty in this neighbourhood, in 1832, was somewhat in this manner: Some Sacs and Foxes, in 1830, had killed some Sioux, on or about the headwaters of Red Cedar River, in the now State of Iowa, and it was known that a party of Foxes were expected here (Prairie du Chien) at a certain time, to transact business with the agent. Some young Sioux collected here, and, having also collected a few Menomonies, they went down the river about ten or twelve miles, to a prairie on the left bank of the Mississippi, called the Prairie de Pierre, where they lay in ambush for the Foxes, and killed a number of them. The next summer, a party of Foxes watched the Menomonies, and found them encamped on an island, less than a quarter of a mile from old Fort Crawford. Most of the Menomonies being beastly drunk, the Foxes fell upon them, and killed about thirty of them, they themselves escaping without any harm.

"With regard to the Mr. Aitkin, for whose murder the Indian Che-ga-wey-cum was tried, at Prairie du Chien, in 1837, the following particulars are gathered.

"Alfred Aitken, who was killed by the Chippewa Indian, on the 6th of September, 1836, having been shot by him with a shot gun, was a half-breed son of William Aitkin, a trader, who had been in the Lake Superior country for many years. I think he was a native of Upper Canada, and was employed by the Southwest Fur Company, when quite young. He was

a British subject, for Mr. Astor, after the war of 1812, procured (as I suppose for his own interest,) an act of Congress to be passed, excluding foreigners from the Indian trade within the limits of our territory, and, in 1815, purchased all the interest of the Southwest Fur Company in this country. William Aitkin, with many others of the employèes of that company, were not willing to leave the country, and applied, and were naturalized. Aitkin was of Scotch descent, and, as I am informed, had taken to wife a Chippeway woman, by whom he had a large family, and the young man who was murdered by the Indians, was, I believe, the eldest son by this connection. On the trial, the Indian was acquitted.

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## INDIAN LEAD FURNACES.

The Indians had their lead diggings in many parts of the country, now properly called the lead bearing region; these diggings were of course shallow, they not possessing either the necessary tools, the ability, or the industry of sinking shafts of any depth. Their mode of smelting was thus: A hole, or cavity, was dug in the face of a piece of sloping ground, about two feet in depth, and as much in width, at the top; this hole was made in the shape of a mill-hopper, and lined, or faced, with flat stones. At the bottom, or point of the hopper, which was about eight or nine inches square, other narrow stones were laid across, grate-wise;—a channel, or *eye*, was dug from the sloping side of the ground, inwards, to the bottom of the hopper; this channel was about a foot in width, and in height, and was filled with dry wood and brush. The hopper being filled with the mineral, and the wood ignited, in a few minutes the molten lead fell through the stones, at the bottom of the hopper, and thence was discharged, through the *eye*, over the earth. It was certainly a

simple, but rough and improvident way of gathering the melted lead; but in the great abundance of mineral, and ease of its procuration, it sufficed for the wants of the Indian. At many of these primitive smelting places, the white settlers afterward extracted a profitable harvest of rich lead from the slag and refuse of the Indian labourers' smelting; but even with the whites, in after time, the old ash-and-log furnace was little better than the Indian mode of smelting, in regard to economy.

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# MILWAUKEE AND ROCK RIVER CANAL.

## ITS HISTORY.

The vast importance to the agricultural and commercial interests of the New Territory of Wisconsin, of uniting the waters of Lake Michigan with those of Rock River by means of a canal, claimed the attention of the first settlers at a very early day. During the summer of the year 1836, being the year succeeding that, in which Milwaukee dates her settlement as a village, Byron Kilbourn, Esq., then a resident of that place, with the aid of other experienced persons, made some general examinations in a district of country then but little known, which resulted in a full conviction that such connecting canal could not only readily be constructed, but that the expenses of its completion would be moderate, in comparison with those incurred in the undertaking of other similar enterprises.

Fully impressed with the conviction of the result of almost incalculable benefits, not only to the central portions of Wisconsin, but to the opposite extremes of the Territory, in the construction of the contemplated water communication, especially if connected with a railroad, many citizens united in presenting a petition to the First Legislative Assembly at its session held at Belmont in 1836, praying for a charter of incorporation for a company, to effect the desired purpose.

On the 29th of November, 1836, a bill was introduced in the House of Representatives, entitled "A Bill to incorporate the Milwaukee and Rock River Canal Company," which was laid on the table, and no further action was had upon it, at that session of the Territorial Legislature.

During the ensuing year, 1837, a preliminary survey of the ground between the two desired points of connection, accompanied with an approximate estimate of the cost of the work, was made; the entire feasibilty of the work was ascertained; and the public mind became the more reliably satisfied on these matters, as the exploration and calculations were made by Byron Kilbourn, with the aid of Increase A. Lapham, both of which gentlemen were civil engineers and practical surveyors.

In order to direct the attention of the citizens of the territory to the importance and practicability of the contemplated work, a series of essays, written by Mr. Kilbourn, appeared from time to time during the summer of 1837, published in the Milwaukee Advertiser. In these communications full views were taken of the various routes of connection between Lake Michigan and Rock River; the heights and distances of various points, and their proximate locations in reference to the desired water communication; the natural advantages and productions of the country, as well on the line of canal route, as in other neighbourhoods, certain to receive benefits by the facilities of transportation about to be given to them; the development of resources; the increased culture of the soil; the improvement of water powers; the springing up of villages and the fostering of the mechanic arts; the general prosperity arising from the creation of markets for trade, and the easy means of access to such markets, with the products of the earth, the hand and the machine. All these matters were considered, and placed in a forcible point of view in these essays by Mr. Kilbourn, and the public mind was properly called to view the effects which in all truth might be expected to flow, with such beneficial influence, from the construction of the Milwaukee and Rock River Canal.

The attention of the community, consequently, became fixed on the importance, if not the necessity of the work, and petitions were again forwarded to the legislature, at their next session held in November, 1837, at Burlington, praying for the passage of an act of incorporation to a company to construct the same; and on the 28th of November, a bill was introduced in the House of Representatives, which finally became a law, by the approval of the governor, on the 5th day of January, 1838, and was entitled "An Act to incorporate the Milwaukee and Rock River Canal Company."

This act conferred upon all such persons as should become stockholders in said company the customary powers, rights, privileges and franchises possessed by such corporation, and authorizing it, "to construct, maintain and continue, a navigable canal or slackwater navigation from the town of Milwaukee to Rock River, on such routes, and of such dimensions, and to terminate at such point as shall be determined on by such corporation: and to construct such navigable feeders for said canal as shall be found actually necessary; and also a branch canal, to connect with the Fox or Pishtaka River, at or near Prairie Village in Milwaukee county; under the same rights and privileges as by this act is provided for constructing the main canal."

The capital stock was to be $100,000 with the privilege of increasing the same to a sum not exceeding one million of dollars, if the same shall be judged necessary to the completion of the work.

The act required, "that the corporation shall commence the construction of the works authorized by this act within three years from the passage thereof; and in default of said commencement being made within said three years, all the privileges, herein and hereby granted, shall be forfeited by said corporation, and this act shall be null, and of no effect. And the right to construct so much of said works, which are by this act authorized, as shall not be completed within ten years from the passage of this act, shall be forfeited by said corporation; and the legislature shall have the right to dis-

pose of such part or parts, in such manner as to them may seem best calculated to promote the public interest."

The act authorized the company to borrow money if necessary for the prosecution of the work; also to erect toll houses, and collect such tolls as shall from time to time be prescribed by the legislature of this territory, or any state that may be formed out of the same on the east side of the Mississippi River.

The act expressly declares, "That the future State of Wisconsin at any time after its admission into the Union, shall have the right to purchase and hold for the use of the state, the canal herein authorized to be constructed, together with all its branches and other improvements, by paying to the said corporation the amount actually expended in the construction and repairs of the same, together with such reasonable interest, not more than seven per cent. per annum, as may be agreed upon by and between said state and the corporation. Provided however, That in case the Congress of the United States shall make any appropriation, or donation either in land or money, in aid of the construction of the work by this act authorized, the right to the same shall vest in said state, whenever the said transfer of the canal shall be made; and the nett proceeds of all sales of land, and the amount of all money so appropriated or donated shall be deducted from the amount to be paid to the said corporation, for the transfer of said works to the state. And the said corporation are hereby authorized to apply to Congress for such an appropriation, in money or lands, to aid in the construction of the works authorized by this Act, as Congress in its wisdom shall see proper to grant."

It was also provided by the act, "that in case such donation of land was made by Congress, and there should be any actual improvement and settlement on any part of the same, the said corporation should sell to each person so claiming by settlement and improvement, one hundred and sixty acres including his improvement, at one dollar and twenty-five cents per acre: a failure to comply with this provision shall be

considered a forfeiture of the charter, on the part of the Corporation."

Such was the charter of incorporation to the "Milwaukee and Rock River Canal Company," and the reservation to the future "State of Wisconsin," to purchase out the rights of the company, constitutes the only limitation to the duration of the privileges granted by the Charter.

The express authority given by the act of incorporation, to the company, to apply to Congress for an appropriation in money or land to aid in the construction of the canal, may properly be considered as equivalent to a memorial to Congress on the part of the legislature of Wisconsin, for the same object; at least it possesses all the force of a memorial.

The charter was accepted by the company, and subscription books, for the stock, in pursuance of the act of incorporation, were opened by the commissioners named in the act, on the 2d of February, 1838. A sufficient amount of stock having been subscribed, the books were closed, and a meeting of the stockholders was called, to be held on the 3d day of said month, at which time an election was held, by the stockholders, and the following persons were elected directors of the company.

Byron Kilbourn, James H. Rodgers,
Solomon Juneau, Samuel Brown,
John S. Rockwell, Sylvester D. Cowles,
William R. Longstreet.

At the first meeting of the Board of Directors, held February 7th, 1838,

Byron Kilbourn was elected President.
F. A. Wingfield, Secretary.
C. H. Peak, Treasurer.
Increase A. Lapham, Engineer.

By-laws for the government of the company were then adopted.

On the 12th of February, 1838, at a meeting of the board of directors, the President submitted a Memorial to Congress which was adopted by the board.

This memorial set forth the objects of the company; represented the magnitude and importance of the contemplated work, as well in reference to the Territory of Wisconsin, as to the General Government, the route of the canal passing through lands entirely belonging to the United States; stated that the organization of the company authorized to construct the canal, had been so shaped as to constitute them an agency for the future State, which may be erected in the limits of the Territory; that the Legislature had reserved the right, on behalf of the future State of Wisconsin, at *any time* after its admission into the Union, to purchase of the stockholders the canal and its privileges, by paying its cost, with interest, deducting from the amount whatever appropriations might be made by Congress; thus securing to the State, for its own benefit, whatever the liberality of Congress may grant; and finally asking a grant of money or land to aid in the construction of the canal, on terms similar to those which had accompanied other grants made by Congress for similar purposes, viz., "A quantity of land equal to one-half of five sections in width, on each side of said canal, and reserving each alternate section to the United States, to be selected by the commissioner of the General Land Office, under the direction of the President of the United States, from one end of the said canal to the other; said lands subject to the disposal of the Legislature of said State for the purposes aforesaid, and no other."

The memorial was transmitted to Congress, and under a resolution of the Board of Directors, Mr. Kilbourn proceeded to Washington, to attend to the interests and business of the company.

The survey of a practicable route, and the estimates of expense in the construction of a canal from the head of slack water on the Menomonee River, to Rock River, had been made and reported to the Board of Directors, on the 14th of

February, 1838, by the engineer, Mr. Lapham, the synopsis of which is as follows:

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| Distance to the eastern end of the summit level, | 22½ miles. |
| Lockage, | 316 feet. |
| Distance across the summit level, | 1 mile. |
| Distance from the western end of the summit level, to Rock River, | 27 miles. |
| Lockage, | 80 feet. |
| Feeder at the summit level, | ½ mile. |

Total estimate of cost, $730,523. Add to this the estimate of the cost of a branch, from the canal near the crossing of the Pishtaka (Fox) River, to the foot of the rapids at Prairie Village, length five miles, lockage forty feet, $68,200. Total estimates, $798,723.

The memorial and estimates were presented in the Senate, on the 6th of March, 1838, and referred to the Committee on Public Lands. A report, highly favourable to the objects of the memorial, was made by that committee, on the 9th of April; a bill also accompanied the report, entitled, "A bill to grant a quantity of land to the Territory of Wisconsin, for the purpose of aiding in opening a canal to connect the waters of Lake Michigan with those of Rock River."

The provisions of this bill embodied the general features of the requests contained in the memorial of the company, and the same was passed by the Senate. In the House of Representatives it was afterward greatly modified by the Committee on Public Lands, to whom it had been referred, particularly by the introduction of a provision, that the alternate sections of land remaining to the United States, "should be subject to the same general laws and regulations as other public lands." This would have secured to settlers the right of pre-emption; but the clause was stricken out in the House, and the words, "nor be subject to pre-emption," were inserted. Finally, after much exertion on the part of the

president of the company, and the introduction of a second memorial to the House of Representatives, accompanied with circular letters addressed to the members of Congress by Mr. Kilbourn, and General George W. Jones, the territorial delegate from Wisconsin, the claims of the Territory were favourably listened to, and a new bill, with the same title as the Senate bill, having been introduced, the same passed both branches of the Legislature, and became a law by receiving the approval of the president, on the 18th of June, 1838. By the first section of this act it is provided :—

"That there be, and hereby is, granted to the Territory of Wisconsin, for the purpose of aiding in opening a canal to unite the waters of Lake Michigan at Milwaukee, with those of Rock River, between the point of intersection with said river, of the line dividing townships seven and eight, and the Lake Koshkonong, all the land not heretofore otherwise appropriated or disposed of, in those sections, and fractional sections, which are numbered with odd numbers on the plats of the public surveys, within the breadth of five full sections, taken in, north and south, or east and west tiers, on each side of the main route of said canal, from one end thereof to the other; and reserving the even numbered sections, and fractional sections, taken as above, to the United States; and the said land so granted to aid in the construction of said canal, shall be subject to the disposal of the Legislature of the said Territory, for the purpose aforesaid, and no other. Provided, that said main canal shall be commenced within three years, and completed in ten years, or the United States shall be entitled to receive the amount for which any of said land may have been previously sold; and that the title to purchasers under the Territory shall be valid"

By the second section it is provided :

"That so soon as the route of the said main canal shall be definitely located and established, the governor shall transmit a plat of the same, showing its terminations and its connections with the section corners of the public surveys, to the Commissioner of the General Land Office, whose duty it shall

be to ascertain, under the direction of the President of the United States, the particular lands herein granted to said Territory: And the governor of said Territory, or such other person or persons as shall be appointed for the purpose, under the authority of the Legislature of the said Territory, or of the State which may be erected out of the same, after the admission of such State, shall have power to sell or convey the whole, or any part of said land, at a price not less than two dollars and fifty cents per acre, and to give a title in fee-simple therefor, to whomsoever shall purchase the whole, or any part thereof."

By the fifth section, it is provided

"That whenever the Territory of Wisconsin shall be admitted into the Union as a State, the lands hereby granted for the construction of said canal, or such part thereof as may not have been already sold, and applied to that object, under the direction of the Territorial Government, shall vest in the State of Wisconsin, to be disposed of, under such regulations as the Legislature thereof may provide, the proceeds of sale to be applied to the construction of said canal, or of such part thereof as may not have been completed; and the State of Wisconsin shall be entitled to hold, in virtue of the grant hereby made, as many shares of the stock of the said canal, as shall be equivalent to the aggregate of all the sums of money arising from the nett proceeds of the sales of the said lands, and applied to the construction of the canal.

"It is also provided, that no part of the said lands shall be sold for less than two dollars and a half per acre; but in case such price cannot be obtained therefor within five years from the first sale attempted to be made, the Territorial or State Legislature of Wisconsin may reduce the minimum price of said land."

The sixth section provides:

"That the said State of Wisconsin shall be held responsible to the United States, and for the payment into the treasury thereof, of the amount of all moneys received upon the sale of the whole, or any part of said land, at the price at which

the same shall be sold, not less than two dollars and fifty cents per acre, if the said main canal shall not be commenced within three years, and completed within ten years."

The seventh section provides:

"That in order to render effectual the provisions of this act, the Legislature of the State to be erected, or admitted, out of the Territory now comprised in Wisconsin Territory, east of the Mississippi, shall give their assent to the same, by act to be duly passed."

By the eighth section, it was enacted:

"That for the purpose of securing a better price for the lands hereby granted, and expediting the construction of the said canal, the Territorial Legislature of Wisconsin may borrow, upon a pledge of said lands, such sum or sums of money, as they may think expedient, and defer the sale of said lands, or any part thereof, until such time or times, not exceeding two years beyond the period of completion of said canal, as they may deem expedient; and for such sum or sums as may be so borrowed and applied to the construction of said canal, the State of Wisconsin shall be entitled to such interest in the stock of said canal, as shall be equivalent thereto in amount."

The assent of Congress was thereby given to the act of the Territorial Legislature of Wisconsin, entitled, "An act to incorporate the Milwaukee and Rock River Canal Company."

On the passage of this act, the condition of the Canal Company may be viewed in this aspect: A great object was to be attained; the means to attain it were granted; a grantee was created, to receive and distribute the necessary means. Three parties appeared to have entered into a contract: A grantor, a grantee, and a third party, for whose use the grant was made; the United States being the grantor, the Canal Company the *c'estui que trust*, and the Territory of Wisconsin the trustee. The acceptance of the trust by the trustee would ratify and confirm the contract, and the same could not afterward be rescinded, without the consent of all the parties interested therein.

On the 6th of August, 1838, a resolution was adopted by the board of directors of the Canal Company, to the effect that the lands which have been granted to aid in the construction of the Milwaukee and Rock River Canal, and which have been occupied and improved by settlers thereon, ought to be secured to the said settlers, at the lowest price fixed by the act of grant.

On the 27th of September, 1838, Byron Kilbourn, president of the company, was appointed acting commissioner, with power to employ hands and provide the means for running and locating the line of canal; an engineer party was immediately organized, and the remainder of the year was consumed in making all proper surveys and examinations of the country along the route, previous to the adoption of the final location of the line.

A session of the Territorial Legislature was held on the 26th of November, 1838, at which Governor Dodge, in his message to the two Houses, mentions the grant made by Congress to the Territory, and future State of Wisconsin, to aid in the construction of the canal, as containing one hundred and sixty-six thousand four hundred acres; and recommends that the Legislature memorialize Congress to grant the right of pre-emption to all actual settlers on the line of canal, on the lands or alternate sections, which had been reserved to the United States.

At this session, the president of the Canal Company drafted a bill, entitled, "A bill to provide for aiding in the construction of the Milwaukee and Rock River Canal," which was presented for the consideration of the members. The features of this bill were:

1. For the purpose of aiding in the construction of the Milwaukee and Rock River Canal, the governor is authorized to borrow, on the credit of the Territory of Wisconsin, any sum or sums of money not exceeding $500,000, to be received in instalments; namely, $50,000 in the year 1839; in the year 1840, $100,000; in the year 1841, $150,000;

and in the year 1842, $200,000; for a period of time, not less than ten years, nor more than twenty years, from the time when each instalment shall be received by the proper agent, on behalf of the Territory, and at a rate of interest not exceeding six per cent. per annum, payable semi-annually. Provided, that in no case shall the bonds for such stock be sold at a rate which would be less than the par, or nominal value, or amount thereof, when rated as bearing an interest of six per cent. per annum.

2. For the redemption and payment of the principal and interest of any loan which may be made agreeably to the provisions of this act, at the time or times when the same may become due, the following pledges are given: 1st, the proceeds of the sales of land granted by Congress to aid in the construction of said canal, together with the interest moneys accruing thereon; 2d, all revenues derived from the use of the canal, and accruing to the Territory or State of Wisconsin; 3d, the whole, or so much of the canal itself, as shall belong to, or by law vest in the said Territory or State; 4th, the faith of the Territory; each and all of which are inviolably pledged.
3. The governor to negotiate such loan, and to issue bonds therefor, in the name of the Territory of Wisconsin, by authority of act of Congress, signed by the governor, and countersigned by the Secretary of the Territory, bearing interest from the first day of September in each of the years before mentioned, for the sum which in each of said years respectively, shall be received thereon as aforesaid.
4. Preparatory to a sale of the canal lands, commissioners to be appointed to appraise the lands settled upon and occupied, within the canal grant; to make out a registry of the same, thirty days previous to the sale, and to ascertain with certainty who are the rightful occupiers of said lands; the registry to be forwarded to the governor.
5. Previous to the day of sale, the commissioners to make out a schedule and valuation of all lands on that day to be offered for sale, annexing to each tract of eighty acres, or

fraction containing less than one hundred acres, such price as they may consider any such tract to be worth, except such lands as are occupied, and subject to registry, agreeably to this act; which lands so occupied shall be entered in said schedule as occupied lands. Copies of said schedule and valuation shall be forwarded to the governor, and to the register and receiver who may be appointed to make sale of said lands, and in no case shall any bid be received for any of said lands, for a less sum than the appraised value thereof, as contained in the schedule of the commissioners.

6. Commissioners of appraisal to take into consideration the enhanced value of the lands in regard to their proximity of location to the canal, their vicinity to improvements, and their advantages of water powers created by the canal; minimum prices established accordingly, and no tract to be appraised at less than two dollars and fifty cents per acre.
7. The rights of actual settlers defined and protected—heads of families, who had cleared off, fenced, and cultivated, in grain or vegetables, prior to the 1st of December, 1838, ten acres of ground, allowed to bid off a half section, or fractional half section—same cultivation and time as to three acres, a quarter section, or fractional quarter section—same cultivation and time as to one acre, eighty acres—the said cultivations, &c., to be on the land bid off, in the respective cases; the price to be two dollars and fifty cents per acre, and no bid to be received in opposition to such occupant. Provided such occupant has procured his claim to be duly registered previous to the day of sale. Heads of families, who had actually resided on any quarter section of land, with their families, three months before the passage of this act, allowed to purchase said quarter section, although the full amount of improvement may not have been made.
8. The settlement and adjustment of conflicting claims provided for; the stated periods of sales regulated; the governor to exercise his discretion as to the quantity of land to be offered for sale, and to adjourn, if necessary, such sales.

9. Register and Receiver of the canal lands to be appointed; their duties prescribed, and to give bonds not exceeding $50,000, for faithful discharge of their duties; to receive a compensation of one per cent. on all sales.
10. Governor to execute deeds on behalf of the Territory for the lands sold. Bonds and mortgages may be given for a certain part of the purchase money, and interest; full payment may be made by the purchaser before the bond and mortgage becomes due; foreclosures of mortgages provided for.
11. Land occupied by the canal reserved from sale.
12. Chief Engineer to be appointed by the governor; his duties prescribed.
13. The canal fund, set apart for the payment of interest on, and the redemption of, the loans effected, and the governor authorized to draw on the Receiver for any sum belonging to the canal fund, for the purpose of paying the principal and interest of any loan made under this act—the Secretary of the Territory to countersign such draft, and to keep books showing the state of the canal fund, and to report the condition of the same, annually, to the Legislature.
14. In case of surplus accruing to the canal fund, from sales, interest thereon, canal tolls, or water rents, over and above the annual interest on loans, such surplus to be applied to the purchase of the bonds issued by the governor on account of the loans, or be invested in productive stock, until such bonds become due and payable.
15. The moneys to be obtained on loans by the governor, to be deposited in some place of safe keeping in the city of New York, subject to the order of the governor for transfer, from time to time, to some suitable place in this Territory, and in such sums as the governor shall deem expedient and necessary for the current operations on the canal. The governor to appoint agents, for the purpose of obtaining the loans, and for the safe keeping and transfer of the same.

16. Prescribes the manner in which contractors for work on the canal shall be paid.
17. All officers under this act to be commissioned by the governor; surveyors to be appointed to make accurate surveys and returns of the quantity of land which may have been cultivated by any person applying for the benefit of the provisions of this act, their fees to be paid by the applicants.

Such were the provisions of a bill, the ultimate object of which was the effectual and speedy completion of the contemplated canal. It provided for obtaining a loan of money on reasonable terms, and for such a length of time, as that a facility of redemption might well be relied on. Those means of redemption were in a great measure in the hands of the people already, and were daily increasing; the canal lands were of great value, and purchasers were waiting the opportunity of buying. The pledges to be given for the repayment of the loans were amply sufficient, and could not be doubted. The sale of the lands, the canal tolls, the water rents, the canal itself, and the faith of the State were offered as a guarantee for the faithful and punctual discharge of a debt to be incurred for purposes that would inevitably open a mine of prosperity to the whole community. Under such considerations, little doubt could be entertained, that the projected loans could readily be effected.

The details of this bill protected the actual settler, and at the same time gave him his claim of land, at as low a rate per acre, as that established for the adjoining land reserved by the United States; proper officers were designated, and their duties defined, to carry the provisions of the bill into effect; and in all of its details, the great object of the construction of the canal, is kept in view, and at the same time the interests of the citizens and of the Territory are guarded and respected.

It is in every degree probable, and indeed it is difficult to believe in any other conclusion, that if this bill had become

a law, the Milwaukee and Rock River Canal would have been completed within four or five years after the time of its passage. Often does as much evil spring up in the body politic, from a neglect to adopt a prudent measure, as there is engendered by hasty, and unwise legislation; a failure to see, and improve our present advantages, is too often followed by a blind and perverse lapsing into measures of future injury. It is to be regretted that the bill did not become a law.

At this session a bill, based on the provisions contained in the foregoing, but containing some modifications, was introduced in the council by Mr. Daniel Wells, Jr., one of the members from Milwaukee County; but the session was so far advanced that nothing was done in relation to it. At the session held in January, 1839, Mr. Prentiss, a member of the council from Milwaukee County introduced a bill, in substance the same as that formerly introduced by Mr. Wells; this bill, after much discussion, and having been very much modified by amendments, was finally passed, and became a law by the approval of the governor on the 26th of February, 1839.

This Act provides: That to aid in the construction of the Milwaukee and Rock River Canal, the governor of the territory is authorized to borrow any sum not exceeding $50,000, to be received on the 1st of September, 1839, for a period not less than ten nor more than twenty years, at a rate of interest not exceeding six per cent per annum, payable semi-annually. The bonds to be sold at par. The same pledges given, for the *redemption* of the loan, as are stated in the first bill submitted. The loan not to be negotiated unless the location of the canal is established, and estimates of cost exhibited to the governor, prior to the first of September next.

2. Register, receiver, and acting commissioner to be appointed by the governor, and to constitute a board of canal commissioners; their duties defined; to ascertain what lands within the canal grant have been improved or settled on, prior to February 1st, 1839, and make out a registry thereof, and forward the the same to the governor.

3. Tracts of 80 acres or fractions less than 100 acres having one acre cultivated, and a house thereon erected worth fifty dollars; quarter or fractional quarter sections having three acres cultivated, or which shall have been occupied by the residence of a family, or on which a mill had been built; half or fractional half sections, having ten acres cultivated, or on which a mill had been erected; and also any quarter or fractional quarter section claimed agreeably to the rules of the country, adjoining a quarter or fractional quarter of an even numbered section, on both or either of which improvements by cultivation of three acres, or on which a mill had been built (all prior to February 1st, 1839,) to be registered as improved or occupied lands; but no person to be allowed a registry of more than two quarter sections.
4. Valuations of the lands to be made by the commissioners. Schedules made out and transmitted to the governor; appraisals regulated; public sales ordered; minimum price of improved land to be entered in the schedule at two dollars and fifty cents per acre; notice of sale to be given by the governor; land to be sold in the legal sub-divisions. No bid to be received for lands, for a less sum than the appraised value of the same.
5. Payments by purchasers regulated—bonds and mortgages may be given; on foreclosure and sale, the commissioners authorized to purchase lands for, and in the name of the Territory of Wisconsin, which shall afterwards be appraised and sold at the same time and on the same terms as other lands.
6. Lands occupied by the canal and its necessary concomitants, reserved from sale. Engineer to be appointed; payments to contractors regulated. Particular lands may be subdivided into small tracts, town lots, &c. Commissioners to make quarterly reports to the governor, and annual reports to the legislature. No commissioner, director, stockholder or engineer shall purchase lands or be interested in contracts.

7. Moneys obtained on a loan to be deposited in some safe place in the City of New York, and made subject to the order of the governor for transfer into the place of deposit in the territory. Governor and secretary of the territory to draw for the same; books to be kept and annual report to be made to the legislature, showing the state of the canal fund. Surplus money arising from the sales of land, canal tolls and water rents, to be invested in productive stock.
8. Nothing contained in this act shall be construed to confer any powers, rights or immunities upon the president, directors and company of the Milwaukee and Rock River Canal Company, in addition to such as may be granted in and by their act of incorporation; nor shall it be construed to imply any pledge that the legislature may not at any time hereafter by law declare in what manner the moneys borrowed, or the amount to be received on sale of the lands provided for, shall be appropriated or expended, but the legislature may at any time alter, amend, or repeal this act, or any of its provisions, except so much thereof as relates to the reimbursement of the several sums of money borrowed in pursuance of the act. If the canal should be estimated to cost more than $1,200,000, no contracts were to be made until after the action of some future legislature on this subject.

During the progress of this bill through the branches of the legislature many efforts were made, if not wholly to defeat its objects, at least to impede, and cripple the efforts which the company might make to complete the canal. The bill as submitted by the president of the company proposed a system of annual loans to complete the canal, and sufficient pledges for their redemption; it also provided for offering all the land at public sale in the years 1839, 1840, 1841, and 1842, and the act of Congress provides that all land which had been in market five years, might be sold at $1,25 per acre; so that, had this provision been adopted, all lands offered in 1839,

and not sold, could have been entered in 1844, at $1,25 per acre; those offered in 1840 could have been bought in 1845 at the same price; and so, with regard to the others, as the five years expired, until 1847 when they would all have been reduced to $1,25 per acre without further legislation; the bill also provided for the regular application of the proceeds of these sales to the construction of the canal.

In the act, which was passed by the legislature, these provisions, which were not only salutary in themselves, but which met with the full approbation of all who were friendly to the canal policy, were stricken out, and in their place was substituted a half-made-up system, entirely insufficient for the purposes of the canal, as a great and paramount measure of policy; but sufficient for the time being, to secure the silent acquiescence of the people, by bringing only so much of the land into market as was then occupied by the settlers. In fact, it is apparent that the original bill was mutilated, and its whole system deranged by the most injudicious alterations in its provisions, in the shape of amendments, introduced perhaps by pretended friends. The prohibition of commissioners, directors, stockholders, or engineers, from purchasing, or being interested in the purchase of any of the canal lands, or being interested in any contract for the construction of any portion of the canal, or furnishing materials therefor, as enacted in the bill, exhibited great weakness of perception in legislation; great and unwarranted distrust of integrity; or determined hostility to the construction of the canal. This provision was a violation of the rights of the people, injurious to the progress of the work, and injurious to the best interests of the country, as connected with the early completion of the canal. It presented a complete bar to the citizens of Milwaukee county, and the neighbourhood of the canal route, from subscribing to the stock of the canal; by which act they were deprived of the ordinary rights of citizens in the purchase of land, and in furnishing materials and supplies for the canal. The natural consequence was, that the stock must be disposed of in a foreign market, or if taken at

home, that the work must languish. Surely the true interests of a country are better consulted by bringing out the energies of its own people, and directing them to subjects of general utility, than by paralyzing them by restrictions which arrest or destroy their action.

Destructive, undoubtedly, was the effect of this unwise and most injurious provision on the canal stock; many enterprising citizens were restrained from subscribing to the stock, who were anxious to do so, for the reason, that when the work was commenced, they might be interested in contracts, and pay the amount of their shares by constructing portions of the canal, and in this manner give an impetus to a work in which the community were all alike interested. Singular legislation indeed! If it was intended to give a death blow to the canal, no more effectual mode could have been adopted; if an attack was made in this covert manner against the company or its officers, it is very certain that no evidence of malversation could exist, where no work had been done, and little action entered upon; but perhaps the secret of this suicidal course of legislation, may be found in the conflict of local interests, and the desire to veil an open hostility against the canal, under the cover of an attack against the canal company and its officers; the northern improvements, particularly that of the Fox River were already in contemplation, and its friends were active, and hostile to the canal. A loan of $50,000 only, was to be raised by this act, and all the pledges are given for its redemption, which might be offered to secure a loan of ten times this amount; thereby lessening the probabilities of obtaining future loans, by making the securities for redemption secondary in their value. The loan of $50,000, although to be raised on the strength of canal securities, and to be repaid by the sale of canal lands, might, by the terms of this act be diverted from its proper destination, the construction of the canal, and appropriated and expended in any manner the legislature might direct; and the proceeds of the sale of the canal lands were placed in the same situation. Surely the confliction of these provisions

with the provisions of the act of Congress making the grant of lands, must have been apparent even to the enemies of the canal.

One important matter at least, was accomplished by the passage of the act of February 26th, 1839. The Territory of Wisconsin accepted the trust created by the act of Congress of June 18th, 1838; the use for which the trust was created was formally defined, and the trustee designated the manner in which, and the agents by whom, portions of the trust were to be executed. The contract of three parties was herein acknowledged, and fully established; the United States, the Territory of Wisconsin, and the Milwaukee and Rock River Canal Company Still, in this very act, which ought to have been the foundation of the life, and future prosperity of this great work of public improvement, the seeds of its destruction were most fatally sown; and all after-legislation on this subject, sheds no honour on the Territory of Wisconsin, either in regard to the wisdom of her legislatures, or the preservation of her unbroken faith in her fiduciary character. On the contrary, the canal is abandoned, the means of its completion are trifled with, the acts of the territory are arbitrarily repealed, and made to operate with deadly injustice; and to crown all, the funds of the canal company arising from the sale of its lands, are seized upon by the trustee, and converted to her own use, and to purposes altogether foreign to the terms and purposes of the grant itself, and in direct violation of the trust, which had been delegated by Congress, and accepted by the territory.

Under this act, the governor of the Territory, on the 4th of March, 1839, appointed Hans Crocker, Register, John H. Tweedy, Receiver, Lemuel W. Weeks, Acting Commissioner, and Alexander M. Mitchell, Chief Engineer.

During the spring, an engineer party was organized, and on the 6th of May, 1839, a report was submitted to the directors, of a final location of the canal, together with a plat of the line of canal and its connection with the corners of the land surveys, as required by the act of Congress. This loca-

tion was adopted, and established by the Board of Directors, on the same day.

Plats of the line were forwarded to the governor, and commissioner of the general land office; the lands granted to the Territory were designated and set off by the commissioner, agreeably to the act of Congress, being alternate sections, ten miles wide, and extending from one end of the canal to the other; or from Lake Michigan to Rock River, and lying equally on both sides of the canal.

On the 17th of July, 1839, the governor issued his proclamation, reserving certain rivers and streams of water for the uses of the canal, and declaring all purchases of land bordering on such streams subject to diversions of such streams for the said purposes.

In the annual message of the governor to the Legislature, delivered December 3d, 1839, he states: that, under the provisions of the act of February 26th, 1839, he had issued Territorial bonds to the amount of $50,000, on the 5th of August, 1839, in fifty bonds, each for the sum of $1,000, bearing an interest of six per cent. per annum, and payable twenty years thereafter. That Mr. Tweedy, the Receiver, was appointed the agent to make sale of the same, and that the Bank of America, in the city of New York, was designated as the depository of the funds. That Mr. Tweedy had made report, that there was a great depression of all, even the most favourable stocks, in the money market, and consequently the Territorial bonds could not be sold according to the terms of the law, and the canal loan could not then be effected.

The governor states that, according to the report of the chief engineer, (which is submitted,) the estimated cost of the construction of the canal is less than $1,200,000. He speaks in high terms of commendation of the canal and its objects, and recommends the propriety of memorializing Congress to permit settlers, and occupants of the lands reserved to the United States, along the canal route, to enter their lands at

the minimum price of public lands, and to possess the right of pre-emption.

The memorial of the president and directors of the Canal Company was presented to the Legislature on the 23d of December, 1839, in which they set forth their claims and their grievances, and respectfully point out remedies, and ask for a protection of their rights, and that legislative action be had immediately, so as to ensure the speedy accomplishment of the contemplated work. They also offer to surrender the charter, together with a voluntary relinquishment of all the advantages resulting from it, provided a full assurance be given that the work would be completed in any other manner than under the charter. They claim no rights or privileges, which are not open to the people of the whole Territory, and they invite the co-operation of the friends of the canal, wherever to be found, in investing their money, and sharing in the benefits of the work; they extend this invitation even to its bitter enemies and assailants, and offer all their privileges to them, if they will but invest their means, and carry on the work to completion. This memorial is a candid and straight-forward document, and well deserved the profound attention of the Legislature.

The canal commissioners also made their annual report at this session, in which they state, that, having opened their office for the hearing and reception of the applications for registry, on the 27th of May, 1839, and kept the same open until the day of the first land sale, they registered for sale, as occupied and improved lands, proved to be such within the meaning of the law, 43,677 $\frac{10}{100}$ acres; that, on the days for sale, the total number of acres sold was 43,447 $\frac{10}{100}$ acres, and that the lands were all sold at the minimum price of $2.50 per acre, amounting in the whole to the sum of $108,617 $\frac{75}{100}$. Two pieces of land, in the whole 230 acres, remained unsold. The amount paid on the sales, was $12,377 $\frac{37}{100}$, a little more than the ten per cent. required by law. The commissioners report the whole number of acres granted by Congress, to aid in the construction of the canal,

to be 139,190 acres and $\frac{90}{100}$; of these, 43,447 $\frac{10}{100}$ acres have been sold, leaving 95,743 $\frac{80}{100}$ acres subject to the future action of the Legislature.

The commissioners state that the first and immediate object of the canal law, to wit, the protection of the settlers upon the canal lands, has been happily accomplished, beyond even the most sanguine hopes of the settlers themselves.

They state that the lands sold, constitute more than one-fourth in quantity, and nearly one-half in value, of the whole grant; that, although sold for $2.50 per acre, they were probably worth, and properly husbanded might have been sold for treble that price; and that the actual value of the lands remaining unsold, will depend on the progress of the work of the canal. At the present time, a large portion of them could not be sold at the minimum price of $2.50 per acre; but were the canal already commenced, with every prospect of an early completion, the present and prospective value of these lands would be greatly enhanced. A wise and just policy would dictate that those lands should be so husbanded as to swell the canal fund to the highest amount, consistently with a due regard to the early and prosperous settlements of them, and the land in the vicinity.

The commissioners propose two courses of policy to be pursued by the Territory, either to apply the proceeds of the lands, as fast as they arise, to the construction of the work, or to raise an amount of money equal to their prospective value, on the pledge of the faith of the Territory, and to reserve the proceeds of the lands, as a sinking fund for the payment of the interest, and the redemption of the principal of the loan, or bonds, that may be made. The lands alone, unaided by the faith of the Territory, will not be available in a distant market, for more than one hundred, or one hundred and fifty thousand dollars, although, if properly managed, the proceeds thereof may, in time, amount to four hundred thousand, or five hundred thousand dollars.

The several documents in relation to the canal, were referred to a select committee of the House, of which Mr. Shew,

of Milwaukee, was chairman, and a report was received from this committee, on the 28th of December, 1839, to the following effect: "That the prosecution of the work on the canal is, at present, inexpedient, because the embarrassed state of the currency renders a loan on Territorial bonds difficult to be obtained, without a sale of them at a discount.

"That to go on, and expend the proceeds of the canal lands, to aid in its construction, would make the Territory either liable to the General Government for the repayment of the money, or to incur a much heavier debt for the completion of the work.

"That the answers of the President of the Canal Company, to certain questions in relation to the affairs of the company, were not satisfactory.

"That injustice was done to some of the settlers on the government lands, in the location of the canal.

"That, as to the proposition of the Canal Company, to surrender their charter, on condition that the Territory would prosecute and complete the work, the committee believe it would be improper to bind the Territory to perform certain things with *her own* means." (These means, called *her own*, are the lands belonging to the canal!)

Deeming it unnecessary to give any reasons, more sufficient than the above, the committee report a bill, "To amend an act to provide for aiding in the construction of the Milwaukee and Rock River Canal," approved February 26th, 1839.

This bill proposed to repeal the act of February 26, 1839, in every part, except sections 10, 11, 12, and 13. These sections related exclusively to the sale of the canal lands. It also proposed that a receiver should be appointed, who should take possession of the books of the canal commissioners, receive all the moneys now in the hands of the present receiver, and also receive all moneys that shall or may become due to the Territory for lands sold under the provisions of the act to which this act is amendatory, and collect the same under the 10th, 11th, 12th, and 13th sections of said act, and he shall safely keep all moneys he shall receive by virtue of his office.

The Governor of the Territory is required to withdraw, take up, and cancel the bonds of the Territory, issued by him under the act of February 26, 1839.

The report and bill are anomalous specimens of political sagacity, legislative justice, and the protection which a government ought to afford to its own citizens, in view of their rights and their interests. The wisdom of the committee was not responded to by the action of the House; for the honour of the Territory, in her character as trustee, the principles set forth in the preceding report and bill were rejected, and the following law was passed, on the 11th of January, 1840, being the same bill as finally amended.

"An act to amend an act to provide for aiding in the construction of the Milwaukee and Rock River Canal."

This act provided, that in case a loan shall not be effected on or before the first of September following, all moneys then belonging to the canal fund shall be applied to the construction of the canal, in the same manner as any money to be obtained by loan is authorized to be applied by law, until a loan shall have been effected; after which, all payments for land, falling due, and all sums received on account of sales of canal lands, shall be applied to the payment of interest, and liquidation of loans.

The legislature were to elect the canal commissioners annually, and reports of all matters in relation to the canal were to be made annually to the legislature.

Under this act, George H. Walker was appointed Acting Commissioner; John Hustis, Register; John H. Tweedy, Receiver. The governor appointed Increase A. Lapham, Chief Engineer.

At a special session of the Legislature, held in August, 1840, a resolution of the House, asking for information relative to the canal loan of $50,000 as authorized by the act of February 26, 1839, was answered by a communication from the governor.

In this it appeared that Byron Kilbourn had been appointed agent to negotiate the loan in question, and the Bank

of America in the city of New York, an agent to receive on deposit, said loan. That the agent, Mr. Kilbourn, had received a proposal on the subject, containing three propositions. 1st. To negotiate at present, only one half of the loan authorized. 2d. To make payment in advance for the interest for four years. 3d. To give assurance of applying the first money received, in payment or liquidation of the principal. That the propositions had been submitted to the governor, who did not feel authorized to draw on the canal fund for the payment of four years interest in advance. That the board of directors of the canal company earnestly desired a compliance with the terms proposed for the loan, as the vital interests of the canal demanded a prosecution of the work during the present season. That the company will reimburse the territory for any loss or deduction, for the interest so paid in advance. The whole subject is submitted to the Legislature.

The Legislature took no action on this communication, highly important as it was to the work, that it should be immediately commenced; but a resolution was introduced "That the interest due the Territory of Wisconsin from the purchasers of canal lands for the year 1840, being the first year's interest accruing upon bonds heretofore given to the Territory, is hereby remitted and discharged."

(The adoption of this resolution would have been a violation of the trust, on the part of the trustee. The political hobby of suspension and remission of interest, begins to be rode at this session.)

A bill was also introduced entitled "A bill to provide for staying the interest on the sale of the canal lands." The foregoing *resolution* was offered by Mr. Wells of Milwaukee as a substitute for the bill, and it having been amended, so as to read, "That the interest now due, or which may become due the Territory of Wisconsin from the purchasers of canal lands, shall be and the same is hereby remitted and discharged, until the loan authorized by the territory is effected, and the work on the canal commenced," it was adopted, and then the whole bill was laid on the table until December follow-

ing, which was, in fact, an indefinite postponement of the subject.

The session of 1840–41, was an important one in relation to the affairs of the Canal Company, and it is morally certain, that if the spirit of the enactments of this session had been cultivated and persisted in, the canal would have been carried on to a most profitable completion. Reports were made by the company, and the canal commissioners.

The annual report of the company exhibited much highly interesting matter. Portions of the work had been put under contract in June, 1839; more in September following; the dam across Milwaukee River, and one mile of canal from the dam to the point of entrance into the river, in town, had been put under contract. Work had been done and estimated (up to October 31st,) amounting to $1952. Operations on the dam were expected to commence early in the ensuing spring.

The full amount of stock authorized by the act of incorporation had been subscribed, viz., $100,000; and eight per centum had been paid on the instalments. The expenses of the company up to September 30th, for surveys, &c., and for work done was $12,476 76. It was confidently believed that with due legislative aid, the company could, next season, complete the line under contract, which would bring into use a water power of great value to Milwaukee, and extend the navigation of the river three miles from the town, or about five miles from the termination of the canal, being one twelfth of the whole length of the line. It was also contemplated and believed that it was practicable to complete within the next season, seven or eight miles of canal at the western termination, affording a fine hydraulic power on Rock River, and opening to that market, a region of as fine timber as is to be found in the Territory.

The difficulties of obtaining loans, it was believed, might to an extent be obviated by increasing the interest from six, to seven per cent., and providing that the money might be received at any place where the bonds should be negotiated; still requiring the bonds to be sold at par. It was

confidently believed that the works would in three years yield ten per cent., and that the canal lands would enhance in value. It was also suggested that a very considerable saving could be made in some sections of the canal, without detriment to the work, by authorizing the construction of wooden locks in place of stone; and also by placing the care of the timber on the canal lands, in the hands of the acting commissioner.

The report of the canal commissioners, George H. Walker, John Hustis, and John H. Tweedy, is an able, clear, and satisfactory document. It states that the loan had not been effected, and that the only available means in their hands was the unexpended balance of receipts for lands, up to September 1st, amounting to $6,427 78, and the sum of $23 38 received for lands since. Exhibiting a detailed statement of receipts and expenditures, up to the 3d of December, 1840, the balance on hand subject to be expended on the canal was $2,664 10, and this sum would probably be expended in the next three months, on contracts now in part finished.

They state with great satisfaction that the contract prices of that portion of the work now in progress are forty per cent. below the original estimates on the same work; and that the difference may be accounted for in the fact, that the costs of subsistence and the wages of labour are now more than forty per cent. lower, than when the estimates were made by the engineer. That herein the public have cause to be satisfied that their fears of under-rated estimates of the work are unfounded. They assume, that if the estimates have been uniform, and that a corresponding difference between estimates and cost, will be found throughout the work (of which the assumption is well warranted) then the actual cost of the canal will be forty per cent. less than the estimated cost; and that instead of reaching the sum of $991,148 74 it will not much vary from the sum of $555,043 22 being a difference of $436,105 52. But adopting 25 per cent. as a safer calculation, the original estimate will be reduced to the sum of $728,582 84 making a difference of $272,565 89. They state that by the substitution of wooden locks for stone, where

such may properly be done, the cost of the work can in this one item be diminished $3000 for each lock, and that it is supposed the substitution might be advantageously made in forty locks, thereby saving an expense of $120,000, and diminishing the cost of the canal to $596,582 84. And even if all the locks should be constructed of stone, the late discoveries of quarries along the line of the canal would cause the estimates of the engineer, in this item, to be reduced nearly one half in amount. Two items of expense in the estimates were $23,760 for the construction of a tow-path along the Milwaukee River, from the point of the connection of the canal with the river, to its mouth; and $1295 for work at the harbour of Milwaukee; both of these items were considered as not forming a necessary part of the expense of the canal; consequently there would be a further reduction in the same, of $25,055. Other items were calculated to be materially diminished in expense, or perhaps entirely dispensed with in the progress of the work.

It was well and truly stated, that these estimates had not been made for effect, but they had been exceedingly liberal, and it might be said extravagant, so that the costs of the whole work when completed, instead of swelling to millions, beyond the resources and energies of the company and Territory, could be reduced by a proper management and a rigid economy, to a sum but little exceeding the means already in the hands of the Territory, if rightly husbanded. It was wisely urged, that the sum of $500,000 properly expended at this time, would construct as many miles of canal, as could have been constructed three years since, by the expenditure of a million of money. For the last ten years, money had ceased to be a true standard of value; visionary speculating schemes had absorbed the business capital of the country; thousands were lavished on a train of unnecessary officers, who squandered the public money entrusted to them; but a reaction had taken place; money, labour, necessaries of life, and every commodity were fast settling to their proper levels, and the change might correctly be considered as permanent.

The withholding of the canal lands from market was considered imprudent and injurious, not only to the progress of the work, but to the immediate and prosperous settlement of the country; the reasons given by the commissioners for entertaining such views, are sound and irrefutable. They therefore recommend an early and gradual sale of the unsold lands, on terms most favourable to their settlement; and the prosecution of the canal with such determination and energy as will rouse the feeble and vacillating, silence opposition, and cheer the desponding settlers with the hope that a part of the exactions wrenched from the products of their toil, would return to them through the channels of trade, and that they will see the residue well invested in the common fund of the general prosperity.

The commissioners truly state the whole case of the Canal Company's affairs as connected with the Territory, and make an appeal for the prompt action of the Legislature on these matters, on considerations of interest, policy, imperious duty and strict justice.

1. The canal lands were granted to the Territory in trust for a specific use, the construction of the Milwaukee and Rock River Canal.

2. The grant took effect and became operative by the location of the canal, and the designation of the canal lands by the officers of the General Government. This contract having become absolute, Congress has no power to revoke, or restrict the grant, or to vary the trust or use, except by extending the time for the performance of the trust, or by waiving or releasing any condition contained in the conveyance, for her own security or benefit.

3. The Territory is a trustee; as such she cannot surrender the trust or lands, with or without the consent of Congress, or change or vary the application of the funds.

4. The Territory, or future State, could decline to act, could refuse or neglect to perform the duty of trustee, could have suffered the reservation to remain an unbroken wilderness until the ten years limited for the performance of the

trust had elapsed, or until Congress had clothed some other agent with the same powers. The assumption of the power draws with it the assumption of the duty; if the Territory or State assumed but in one instance to exercise the power, if she but once touched the fund, she at that moment became bound by every duty incident to the power; and if she failed to discharge those duties, every party interested, the purchaser of land, the Canal Company, and Congress, would have the same rights with every person in every other case of an abuse, or perversion of a trust, to apply to the proper tribunal for arrest of the injury and suitable relief.

5. The Territory has made her election, and has assumed the trust; she has chosen the path of duty and interest; she has sold part of the lands on just and generous terms; she has applied the proceeds, as in duty bound, to the construction of the canal; she has clothed herself with the character of a disinterested and beneficial patron and guardian; she can have neither the power, nor the will to escape the obligation which she should be proud to discharge.

6. The canal fund cannot be diverted; Congress granted 140,000 acres of land to the Territory to construct a canal; the lands were set apart by Congress along the route of the canal, and their price doubled, because Congress thought the canal would double their value; the Territory has sold 43,000 acres of this land at this double price, in order to construct this canal; the Territory by this sale, made in pursuance of her own law, has given a pledge, both express and implied, to sacredly devote the proceeds of these sales to the construction of the canal; on the condition of that pledge, and of its performance, every acre was bid off, and every dollar paid by the purchaser. Immutable truth and justice would pronounce that every purchaser of these lands has an equitable interest in every dollar of the canal fund, whether or not his right could be protected, or enforced by any earthly power or tribunal. The disposal of any portion of the canal fund for any purpose but the canal itself, would be an instance of a breach of trust, and violation of pledged

faith, unparalleled in the history of any government in our country, as well as an act of the most flagrant injustice.

7. Apprehensions are by some entertained, that the Territory in moving in this matter of the canal, will entangle herself inextricably, and incur frightful responsibilities; and cannot lend any aid to the canal, without becoming a surety to Congress for its completion, by virtue of that provision of the grant requiring the State to refund, in case the canal is not completed within ten years. But such fears are unwarranted. If the canal fund will not of itself be adequate to the completion of the canal, then certainly that part constructed will be ample security for the borrowing, or advancing through the company, or Territory, of a sum sufficient to complete it within the time limited. But Congress would, if necessary, according to precedent, readily consent to enlarge the time; and, with the assurance of a faithful application of the canal fund to its proper object, Government would act with a hitherto unknown, miserly, and ungenerous policy, if she would ever remind Wisconsin of her obligations.

8. There is an opposition to the work, but it is not an open and avowed hostility; it is developed in the coldness and indifference with which it is viewed by many who have not taxed their minds to comprehend its mighty results; it is found in the action of those who desire to be called friends to the cause, but who do more than all others to retard and embarrass its progress, by abetting a bitter and insidious opposition to its present conductors, or to the manner of its prosecution. But no serious cause of complaint against the conduct of the company, in the management of the work, has been seen or heard. The merit of the projection of the canal, of procuring the charter and donation from Congress, being the fruits of much labor, industry, and expense, is certainly due to the company; and it is no ground of censure that they sought great advantages indirectly to themselves, until they are found guilty of an attempt or design to absorb the public fund in private speculation, or squander it in

improper and extravagant expenditures. But against such attempts, should they ever be made, the fund is perfectly secured by the present establishment.

9. It is stated that there is every probability of obtaining a loan in a short time, provided the rate of interest is raised to seven per cent., which is recommended; as also that the money borrowed may be deposited in some sound specie paying bank, when it may be loaned, to be paid out as required for the expenditures on the canal.

10. Every consideration of her own interest, her duties to the people, and justice to the settlers, clearly point out the path of duty and policy to the Territory, which is to embrace the cause of the canal with her whole soul and energy. She has already incurred all liabilities; she cannot recede; to advance is easy and safe; delay and vacillation alone are dangerous. Doing her whole duty, the Territory will, in a few short years, without a dollar of debt contracted, or a dollar of liability assumed, or, if so, only when amply secured, have achieved an enterprise which will enrich her with constant, copious streams of wealth, and shed an imperishable glory on the rising State of Wisconsin.

Such was the excellent report of the canal commissioners. The agent, to negotiate the loan of $50,000, Mr. Kilbourn, also reported to the governor his inability to obtain the same, and hopes of future success, provided the rate of interest should be raised to seven per cent., and the amount to be received at any specie-paying bank, wherever it would best suit the convenience of the parties taking up the loan.

These reports and representations were not made in vain to the Legislature; an act was passed, February 12th, 1841, entitled, "An Act supplementary to the several acts relating to the Milwaukee and Rock River Canal."

This act provided: That wood locks might be substituted for stone locks on the canal, whenever, in the opinion of the chief engineer, approved by the canal commissioners, such substitution shall be deemed expedient.

That the Governor of the Territory issue bonds in the

name of the Territory for a sum not exceeding $100,000, bearing an interest of seven per cent. payable semi-annually. That all or any part of the money borrowed on such bonds may be deposited in any sound specie-paying banks which shall be selected by the canal commissioners and the Governor of the Territory. One-fourth of the money borrowed shall be expended on the western termination of the canal; the bonds to be issued to an amount equal, in the whole, together with the amount of bonds formerly issued and negotiated, to $100,000; and in case the bonds formerly issued have not been negotiated, they shall be recalled prior to the issue and sale of bonds authorized by this act. Provision is made for the sale of the canal lands. The commissioners are authorized to protect the canal lands from trespass and waste, and to prosecute for such offences, on behalf of the Territory.

By another act of this session, the collection of interest due on canal lands for 1840, and the interest hereafter to *become* due on sales made heretofore of such lands, is postponed until the Legislature shall provide by law for its collection. This act passed December 24th, 1840; and by a subsequent act, passed February 19th, 1841, the interest due on the sales of canal lands is declared to be made payable at the same time and times, when the interest on the loans to be effected shall be due and payable, of which the canal commissioners shall give due notice.

The governor, Henry Dodge, by commission, dated March 15th, 1841, in pursuance of authority vested in him, appointed Byron Kilbourn, agent of the Territory, for the purpose of negotiating and obtaining a loan of one hundred thousand dollars. On the same day, the governor informed the receiver, John H. Tweedy, of such appointment, having been made in accordance with the law of the late session of the Legislature. He also informed him that he had authorized the agent to make the deposit of the loan in any of the safety fund banks of the State of New York; and that he had appointed Mr. Lapham, the engineer, to be the bearer

of the bonds to Mr. Kilbourn, to be delivered to him at Columbus, Ohio. Mr. Lapham was also appointed on the same day to take charge of one hundred certificates of stock, numbered from one to one hundred inclusive, for one thousand dollars each, issued for the purpose of obtaining a loan of one hundred thousand dollars, for aiding in the construction of the Milwaukee and Rock River Canal; which certificates of stock Mr. Lapham was to deliver to Mr. Kilbourn at Columbus, Ohio, after having first received from Mr. Kilbourn certificates of stock now in his possesion, issued in the name of the Territory, on the 11th of March, 1840, amounting to fifty thousand dollars, in certificates of one thousand dollars each, numbered from one to fifty inclusive, to be returned to the governor.

These bonds were delivered by Mr. Lapham to John Hustis, register of the canal lands, and by him delivered on the 3d of April, 1841, to Mr. Kilbourn, at Columbus, Ohio; Mr. Kilbourn, at the same time, delivering up to Mr. Hurtis the fifty thousand dollars of the old certificates.

On the 13th of May, 1841, Governor Dodge issued a power of attorney to Byron Kilbourn, under the great seal of the Territory attested by Francis J. Dunn, Secretary, reciting the execution and delivery of the said one hundred certificates of stock for the sum of one thousand dollars each, and authorized Byron Kilbourn as agent to negotiate the same; also to fill up the blanks in the said certificates, *with* the names of the persons to whom they may be made payable, and the time and place when and where the loan shall be re-imbursable; and the said agent is authorized to deliver any of the said certificates of stock, as soon as he shall receive from any person a certificate of the cashier of either of the safety fund banks in the State of New York, *or any specie-paying bank or banks*, that the same amount of money has been deposited, subject to the order of the receiver of the canal funds. And that all the acts of said Byron Kilbourn, done and performed in pursuance of the authority herein vested, and of the acts of Congress and of the Legis-

lative Assembly aforesaid, shall be binding and obligatory upon the Territory of Wisconsin, according to the provisions of the aforesaid acts.

A change in the administration of the General Government had caused a change in the office of executive of the Territory of Wisconsin, and on the 1st of September, 1841, Governor James D. Doty recalled all the authority given to Mr. Kilbourn, by Governor Dodge, on the 13th of May, 1841, and revoked and annulled all authority in relation to the transfer of certain certificates of stock; also demanded a return, forthwith, to the Executive Department, of all certificates remaining on hand, together with a report of the acts of the agent.

As the utter prostration of all the well grounded expectations of the company in the successful completion of the canal, and the extinguishment of all patriotic hopes founded on its prospective importance to the public welfare, take their rise in the proceedings and acts of the Territorial Legislature of 1842, it becomes necessary to enter into a detail of facts, in relation to the operating causes of these unfortunate events, as they are embodied and set forth by the company, the loan agent, the canal commissioners, and the reports of the committees raised by the Legislature to enquire into the same.

The Canal Company, in their annual report, stated, that the work had not been prosecuted, during the past season, with so much energy as had been hoped for, owing to the want of funds, and consequently no new contracts for work had been made, except in one instance, the guard lock at the dam in the Milwaukee River, which was a necessary measure of safety and protection to the dam itself.

The total amount paid by the company, up to this time, including all expenditures from the commencement of the first survey, is $25,063,51.

The company come to a conclusion, as to the course to be pursued during the ensuing year, which would tend most effectually to carry forward the work, and meet the just ex-

pectations of the country; that the present system offers but little beneficial results, and that some different arrangements in the control of the canal, or of the canal fund arising from the sale of the canal lands, had better be devised by the mutual assent of the parties interested. The control of both in the same hands, would be more efficiently brought to bear on the work, than to have them divided, as under the present system.

1st. They therefore propose, "That the Territory take the control of the work, and that it be conducted entirely by territorial officers; refunding to the company the amount expended by them under the charter, and pledging the faith of the Territory for the completion of the canal within the time limited by the charter. Or,

2d. "That the Territory authorize the company to take charge, and dispose of the lands granted to the canal, and apply the proceeds to the construction of the canal; the company giving security for the faithful application of these funds, and to make annual reports to the Legislature, and be at all times subject to have their transaction investigated by authorized committees of the Legislature, or by other duly authorized officers.

The loan agent, Mr. Kilbourn, made his report to the Legislature, December 12th, 1841. He states, that under the provisions of the act of February 26th, 1839, contained in sections one, and twenty, Governor Dodge appointed him loan agent, on the 14th of March, 1840. That he failed to procure any part of the authorized loan of $50,000. That he communicated the fact to the governor, and suggested that two obstructions in obtaining the loan might be removed, by increasing the rate of interest on the bonds to seven per cent., and by receiving funds on the loan, deposited in "any specie paying bank, wherever it would best suit the convenience of the parties taking up the loan."

That an act, embodying the proposed modifications, was passed, February 12th, 1841, authorizing a loan of $100,000, bearing an interest of seven per cent. per annum, payable

semi-annually; provided, that all, or any part of any moneys which may be borrowed in pursuance of this act, may be deposited in any sound, specie-paying bank, which shall be selected by the canal commissioners, and the Governor of the Territory, subject to the draft of the receiver of the canal fund, whenever the same may be required for expenditures on the canal, but in all other respects conformable to the provisions of the first section of the act of February 26th, 1839.

"That, under these provisions, and in pursuance of the laws in force, the governor recalled the old bonds for $50,000, then in the agent's hands, together with his authority to negotiate them, and issued new bonds, for $100,000, of seven per cent. stocks; and, on the 13th of May, 1841, renewed the authority to Byron Kilbourn, as loan agent, to negotiate the new bonds, in accordance with the act of February 12th, 1841.

"That the period was very unfavourable to obtaining loans, in consequence of the explosion of the Pennsylvania banks, which affected the resumption of specie payments, at the time when difficulties in the money market appeared to be overcome; and the task of the loan agent appeared almost hopeless. That a proposition was made to him, by Mr. George Reed, to take a considerable part of the loan, provided the amount could be received in current funds of the best banks in Ohio. That he accepted the proposition, believing it to be strictly within the intent and meaning of the law, and conducive to the true interests of the Territory, and beneficial to the citizens, who had purchased the canal lands at high prices, under the implied pledge that the work would progress without unnecessary delay."

The loan agent entered into an arrangement with Mr. Reed, at Cincinnati, for $30,000 of the bonds, to be paid through the bank of the "Ohio Life Insurance and Trust Company," in funds bankable in that institution. This bank was selected among others, by the canal commissioners, agreeably to law, as a suitable place of deposit, and was not only a specie paying bank, but one of the safest and soundest institutions

in the United States. This loan of $30,000 was to be paid in the most choice and select funds which the currency of the country would afford, for in such funds only did this bank deal, in its receipts and its payments.

In addition to this loan of $30,000, the agent paid into the same bank, in like funds, $1000, for which latter sum he forwarded a certificate of deposit to the receiver of the canal funds, and took his receipt therefor.

Mr. Kilbourn then states, that these two loans of $31,000, payable in the kind of funds above stated, would have been sufficient, when added to the means of the Canal Company, to have completed the work now in progress, at the east end of the line, and also the last level of the west end, embracing about seven miles of canal at the western termination.

The agent found it impossible to obtain any loan, at par, in New York; and having learned that difficulties had been thrown in the way of the disbursement of the funds at Cincinnati, he closed with the proposal of a small loan of $5000, for which he paid a bonus of $1000, *out of his own private funds*, and placed the whole amount of $5000 in deposit in the Bank of America, for the same amount of bonds.

The agent proceeded to Albany, and to the interior of the State; he closed an arrangement for $15,000, to be deposited in the Bank of Vernon; also one for $5000 more, to be deposited in Albany, at par, for which he had to give his personal guarantee for the punctual payment of interest and principal by the Territory. These several arrangements would have given the canal an available fund, within the year, of $56,000, which, says Mr. Kilbourn, would have been sufficient, when added to the means of the company, to complete the work now in progress at the eastern termination—the lower level at the western termination, embracing about seven miles of canal—the middle section, connecting the Nagawicka and Namahbin Lakes, including two miles of canal, and about six miles of lake navigation—and also that section of the canal, from Weaver's Run to Redford's Run, including about two miles of canal; at all of which points, valuable water powers

would have been created, in the midst of beautiful and extensive settlements, very much in need of such local improvements. It was the design of the Canal Company, to have put these several portions of the canal under contract without delay, had it not been for obstacles thrown in the way by a part of the Board of Canal Commissioners, through means, for which they have no legal sanction.

Mr. Kilbourn says, that the difficulties thus interposed, have arisen from an assumption of power on the part of the canal commissioners, to interfere with, and dictate, *unconditionally*, as to the loan, and the kind of funds which might, or might not be received. Neither the act of February, 1839, nor the act of February, 1841, confers any power whatever on the commissioners to negotiate any loan, nor are they in any manner authorized to direct the governor as to the manner in which he shall discharge the official duties devolving on him by law, or sit in judgment on his acts, whether they be right or wrong. Certain duties were to be discharged by the governor; if he violates the law, he is responsible to the law and the country, and not to the Board of Canal Commissioners; the law has not even named the commissioners in connection with the negotiation of the loan, either as associating them with the governor, or otherwise; much less has it conferred on them a dictatorial supervisory control, and absolute veto of his acts. The duty of making the loan devolves entirely and exclusively on the governor, under the provisions of the above recited acts; and this duty is to be performed either by his own act, or through means of agents by him appointed.

The loan agent informed Mr. Tweedy, the receiver, June 23d, 1841, officially, that he had made a loan of $31,000, in funds "bankable at the Life and Trust Company, Cincinnati, as that institution, being itself a specie paying bank, is very circumspect in the kind of funds it receives." The receiver subsequently refused to receive certificates of deposit of this loan, as they were payable in *current funds* and not in *specie*. Mr. Kilbourn, as loan agent, and general agent of the Canal

Company, remarks, "that the law did not require the loan to be made in specie, and it is fair to presume, it did not intend any such thing; but that, if nothing better could be done, the Territory would receive and disburse such funds as are issued for all the purposes of business throughout the Western States, internal improvements of every kind included; and admitting all that the most fastidious could claim, and according to the admission of Mr. Tweedy himself, those funds were worth as much as specie, within five per cent.; which was a better loan than had been made by any Western State, within the last four years." Subsequent events showed, that the contractors on the canal were not only willing to receive these funds in payment for work, and actually did take from Mr. Tweedy, at par, the $1000 which he had accepted as a deposit, but that they urged the receiver to take $3000 more of that loan, when it was tendered to him, on the 31st of July, being themselves willing and anxious to receive it. But he refused to do it.

On the 17th of July, Mr. Tweedy wrote to Mr. Kilbourn, informing him that he had written to the President of the Ohio Life Insurance and Trust Company, desiring him to suspend the transfer of the bonds, &c.; and soon after, Mr. Williams, the president of the bank, informed the loan agent, that he had received "an official letter from John H. Tweedy, receiver of the canal fund, *objecting distinctly* to the sale of the bonds for *current bank notes*, or any thing other than legal currency, meaning, of course, coin. He objects to the Trust Company certificates, because *it is* not payable in legal currency, and he says that you were not authorized to sell the bonds for any thing but legal currency," &c.

Mr. Kilbourn denies the right of Mr. Tweedy to open an official correspondence of this nature, relative to the loan; and that he had no right to *object distinctly* to the *sale of bonds*, when he (Mr. Kilbourn) was acting under the separate authority of the governor. That he had no right to pronounce that Mr. Kilbourn was not authorized to sell the bonds for any thing but legal currency, that is, specie; there is no

such requisition in the law, and if there had been, the law did not constitute him (the receiver) the court of error, to pronounce judgment.

The law provided, that, "whenever any loan shall be negotiated, &c., the interest due from purchasers of canal lands, is to be called in, by the Board of Commissioners, in time to meet the payment of interest on the bonds, and that three months' notice is to be given, by advertisement, for at least six weeks, of the time when the interest is to be paid. Mr. Kilbourn notified the receiver of the negotiation of the loans, and that the interest would fall due on the 20th of December next, and, semi-annually thereafter, on the 20th of June and 20th of December, payable at the Bank of America, in New York. This notice was given by Mr. Kilbourn, on the 23d of June, by duplicate letters, which Mr. Tweedy acknowledges he received, a week previous to the 17th of July, that is, about the 10th of July; but the canal commissioners delayed making any call for the payment of interest, until after Mr. Kilbourn had written on the subject to Mr. Hustis, the register, on the 16th of August. The call was made, finally, on the 31st of August, and although the commissioners knew that the interest on the loans was payable in *New York*, on the 20*th* of December, they call for the funds to be paid in *Milwaukee* on the 23*d* of December. This is alleged to be a gross dereliction of duty on the part of the commissioners; for, although the receiver had repudiated a part of the loan which had been negotiated, yet he had acknowledged another part, by receiving and disbursing it; and whether the acts of the loan agent were legal or illegal, the interest had to be provided for. It is extremely difficult to reconcile these acts of the commissioners with any friendly feeling toward the canal, or with a proper and legal consideration of their official duties; but the loan agent expressly charges the receiver with hostility to the canal, although not openly avowed. However, it is certain, that the obstacles thrown in the way of the company's receiving the benefit of the loans negotiated, in their ultimate effect would totally defeat the canal.

Mr. Kilbourn states that, of the $56,000 of loans made, $11,000 only had been actually deposited, and certificates placed in his hands—that is, $1000 at Cincinnati, part of the $31,000 negotiated; $5000 at New York, and $5000 at Albany. The remainder of the Cincinnati loan, $30,000, had been suspended; and the bonds deposited at Vernon, for $15,000, remained subject to the order of the persons making the loan, until the 1st of August, 1842, according to agreement between the parties. Of the $11,000, he had paid $1000 to the receiver, and he withheld the balance, being satisfied that Mr. Tweedy would, on some technical plea, refuse to disburse it, and consummate the overthrow of the whole work. But Mr. Kilbourn had remitted funds to New York, to discharge the interest on the loans, and had paid on certificates of the engineer for work done, amounts, in the whole, including contingent expenses in negotiating the loan, reaching the sum of $10,041.87—being $41.87 more than he had received. These certificates are the proper vouchers, on which the law makes it the duty of the register to draw his checks on the receiver for payment. The register, Mr. Hustis, refused to issue such checks, when demanded of him. He is charged with a violation of his duty under the law, in this refusal; it does not appear that Mr. Hustis assigned any reason for his action in this matter.

It is urged, that the Territorial officers adjust the payments on the part of the canal fund and the funds received on loans; and it is stated that by the course pursued by Mr. Kilbourn, as general agent of the company, the work has been successfully progressing, and the contractors have been regularly paid; it is also claimed, that the loan agent has, in respect to all his transactions, had the great object always in view, of the faithful discharge of his duties, the securing the success of the canal, and the true interests of the Territory, as connected with it.

The loan agent, in his report made to the governor, December 27th, 1841, sets forth his negotiation with Mr. Reed, for a loan of thirty-one thousand dollars, to be deposited in the bank of the Ohio Life Insurance and Trust Company, of

which one thousand dollars was deposited, and the certificate forwarded to Mr. Tweedy; and that the remainder was to be deposited, in monthly instalments of three thousand dollars per month; but that this arrangement had been frustrated by the action of the receiver. Also, that he had closed an arrangement, in New York, for five thousand dollars, the funds being deposited in the Bank of America; another for five thousand dollars, the funds to be deposited in the Albany City Bank and State Bank; both of which loans he had withheld from the receiver for the reasons as set forth in his report to the Legislature; both of which amounts of funds he is ready to pass over to any officer who shall regard the law rather than his own will, as his rule of action. That he had closed an arrangement for a loan of $15,000, to be deposited at the Bank of Vernon, at any time prior to the 1st of August, 1842; in all, $56,000, in bonds numbered from one to fifty-six, inclusive, and that the remainder of the bonds, forty-four in number, numbered from fifty-seven to one hundred, inclusive, are subject to the disposal of the governor and the Legislature. He also submits his account of expenditures, including $385, remitted by him to pay the first instalment of interest on $11,000 of loans.

The canal commissioners, in their annual report, regret that their sanguine hopes of the vigorous and successful prosecution of the canal, by the aid of the act of the preceding session, have not been realized, and that the loan of $100,000 has not been made; but that the bonds issued by the Territory sustain a higher value in the judgment of capitalists, than do those of any of the Western States.

That the loan agent had informed them, during the months of July and August, of the negotiation of several loans amounting to $56,000, of which sum $1000, in certificates of deposit in the Ohio Life Insurance and Trust Company, had been received and expended; and that no evidence of the deposit of any other money subject to the order of the receiver had been presented to the commissioners.

They exhibit an account of receipts and expenditures, show-

ing a balance on hand, of thirty-nine cents; no money had been expended on contracts, since the 14th of July, 1841. Since that time, the Canal Company have been prosecuting the work at Milwaukee with its own funds, and appearances indicate, that the canal dam, the guard lock, and that portion of the canal extending from the dam to the point of its junction with the Milwaukee River in the town, will be finished early in the ensuing season.

That the work, as completed on the canal, is constructed in the most substantial manner, and will compare favourably with the best works of that character in the United States.

They allege that it would be impolitic and unjust, to demand an immediate payment of interest from the purchasers of canal lands, while no loans have been made, requiring any considerable amount of interest to be paid on them. For the purpose of giving the Legislature an opportunity to legislate on the subject, they deferred the call for interest until the last of August, and fixed the time for its payment on the 23d of December. They say that, under the present circumstances, the practical result is so absurd and unjust, as to impose upon the commissioners an imperative duty, which they cannot escape, to compel the payment of one and a half years' interest, amounting to $11,000, for the purpose of paying the six months' interest on a loan, possibly of but $1000. The report is dated December 24th, 1841, and signed by

GEORGE H. WALKER,
JOHN HUSTIS,
JOHN H. TWEEDY.
} Canal Commissioners.

By resolution of the council, a committee was raised, to whom was referred all the communications and reports in relation to the Milwaukee and Rock River Canal, and to this committee, Mr. Tweedy, being himself a member of the council, made a communication, explanatory of his official conduct as receiver of the canal funds, and confessedly in reply to the communication of Mr. Kilbourn.

In this communication there is much recrimination, and personal remark directed by the receiver upon the statements,

the powers, and the actions of the loan agent, called forth, as is stated, by the charges preferred by the loan agent, against "the abuse of trust, the arbitrary assumption of power, dereliction of duty, and wilful violation of law, on the part of the register and receiver of the canal fund; all evincing a design, steadily pursued, and successfully accomplished, to arrest and entirely defeat the progress of the canal." Mr. Tweedy assumes, that the governor had the authority to appoint a loan agent, although, he says, such authority is denied by many; he then proceeds to present the facts of the case.

1. That the act of February 12th, 1841, authorizing the issue of bonds to the amount of $100,000, provides that all or any part of the moneys which may be borrowed may be deposited in any sound specie paying banks which may be selected by the canal commissioners and the Governor of the Territory, subject to the draft of the receiver of the canal fund, whenever the same shall be required for expenditures on the canal.

2. The letter of authority of May 13th, 1841, executed by the governor, authorized Byron Kilbourn "upon receiving from any person or persons a certificate of the cashier of any of the safety fund banks of the State of New York, *or any specie paying bank which the said agent may select*, that he or they have deposited with the said cashier any specified amount of money subject to the order of the receiver of the canal fund, as mentioned in the act of February 12, 1841, to deliver over to such person or persons so many of the certificates of stock as shall not exceed in amount the sum deposited. The said agent was authorized to fill the blanks in the bonds with the *time and place when and where* the principal of the loan should be reimbursable, and the names of the persons to whom the same should be made payable, so as to correspond with the loan which should be made.

3. The canal commissioners, by letter, under their hands and seals, selected any of the specie paying safety fund banks of New York, "the The Ohio Life Insurance and Trust Company of Cincinnati," and two specie paying insti-

tutions of Columbus as proper banks for the deposit of any moneys borrowed by the loan officer.

4. The loan agent was merely a special agent or attorney of the governor, entrusted with a few simple and limited powers. He could exercise no discretion, assume no responsibility, but could only do a particular act in a particular manner.

5. Mr. Tweedy says, "it may be an unsettled question which the committee may be called on to decide, whether, if the loan agent has in *any case* transcended his powers, and has bargained or transferred any of the bonds in *any manner not warranted by law*, such bargain and transfer is not a nullity, and the bond so transferred, any thing better than worthless parchment." With this gratuitous hint of a legal opinion to the committee, he admits that it might be another question whether if such bonds have been *bona fide* negotiated to innocent purchasers, for valuable consideration, *although not in pursuance of the law*, the territory should not in honour and justice feel bound to recognize their validity. The distinction which the receiver makes between the two cases is certainly very obscure, at the least.

6. That the funds to be deposited on certificates should be subject or payable to the order of the receiver of the canal fund; that the law required the deposits to be made in money; and the term *money* means *specie* or *legal currency*, or its equivalent; and the bills of specie paying banks, always convertible into specie are considered as money; and such was the character of the funds required by law.

7. All the material facts relative to the time, manner and places of Mr. Kilbourn's loan negotiations, and the available funds for which the loans were contracted by him, as set forth in Mr. Kilbourn's communication, are stated by Mr. Tweedy to be correct; and upon all these facts he enters into an argumentative defence of his course of conduct in regard to his refusal to accept of the certificates of the Ohio Life Insurance and Trust Company; his acceptance of a part of the same; his repudiation of the loans; his *duties* and *powers* as

receiver to judge of the duties and powers of the loan agent and of the availability of the funds in which the loans were made; and the reasons why the interest on purchases of canal lands was not called for according to law.

The communication which Mr. Tweedy thus submits to the legislature, may be considered more in the nature of a retort upon the charges of the loan agent, by a plausible argument casting censure on his actions, than as a sufficient defence of his own official conduct.

In the first place, each and all of his predicates, are in the shape of a *petitio principii;* they must each be admitted as correct, before his conclusions are acknowledged. These positions assume, that the just and legal power and authority conferred on him, as receiver, by law, has been alone exercised by him; that he *alone* was the judge of the *intentions* of the legislature in making the law authorizing the loans; that he, as receiver, had the right to judge and determine on the ability to pay, of the person taking the loan; that the payments to be received on the loans, in future, would not be equal to specie, because such payments were to be in *current bank notes;* in fine, that he, the receiver, was constituted the judge of the acts of the governor, in delegating his power and authority under the law to the loan agent; of the acts of the loan agent under such authority; of the meaning of the law, implied, not expressed; of the ability of a lender on the loans; of the future action of *depositories* in their issues, and the value of the funds to be issued on the loans; and of the propriety of conforming, or non-conforming to the law in relation to calling for the payment of interest on the sales of the canal lands.

Requiring the correctness of such positions to be admitted, the receiver claims not only to be justified in all his acts in relation to the loans, but he asserts, that the loan agent was alone derelict in duty. At this day it is not a difficult course of reasoning that arrives at conclusions very different from those of the receiver.

The loans as negotiated were known and acknowledged to

be the best in all respects that could be effected. The loan agent under the power of attorney given by the governor, had the power of *selecting the bank of deposit*, provided it was a specie paying bank; the receiver acknowledges that he had this power, and he also acknowledges that the Ohio Life Insurance and Trust Company, was one of the banks selected by the canal commissioners. The law does not exact that the loan shall be paid in specie, it requires the moneys loaned to be deposited in specie paying banks; and the bank selected was so considered. The law requires the bonds to be sold at par; they were sold for their value on the face, neither at a discount, nor for a premium, but at an equivalent in amount, payable in *current funds*, which was all that was required by the law, unless it be conceded, as contended, that money means *specie*, and nothing else. If there was a derangement in the money market; if the recent resumption of specie payments by banking institutions had received a check, and sustained a temporary revulsion, by reason of recent bank explosions, how could it be expected in the minds of statesmen or financiers, that the bonds would sell for any thing better than the *current funds* of the country? If specie commanded a premium, and was thus *quasi* above *par*, how could a loan have been effected in specie, unless the purchaser paid *more* for the bond than its nominal value? And in such case, would not the purchaser, at the time the loan was reimbursable, inevitably lose the amount of the premium he had paid, because *no more* than the nominal amount of the bond would be paid when it became due? It cannot be well presumed that the Legislature contemplated that the bonds would command any thing better in the money market than dollar for dollar of the current circulation of the country; if specie commanded five per cent. premium, or, in other words, if current funds were five per cent. less in value than specie, was it ever supposed that the Territorial bonds could be sold for one hundred and five dollars, when the promise of re-payment was only one hundred dollars? And such would be the effect on a sale of the bonds according to the

views of the receiver; the purchaser must pay a premium on the bond according to the value of specie in the money market, when he buys, and lose the amount of the premium when the bond is redeemed; or at any sale of it in the mean time, whenever specie payments should be resumed by the banks. It may also be remarked that although specie may at times command a premium, and consequently, be considered as *above par*, yet it does not follow that the current funds, the circulating medium, ceases to represent *a par* value; the temporary suspension of specie payments, as a conservative measure on the part of banking institutions, does not carry the conclusion that the paper of such banks will not be redeemed; such paper may nevertheless serve all the purposes of a circulating medium, and at all times purchase specie, except when there is an inflated demand for the precious metals.

A great objection on the part of Mr. Tweedy to receiving the loans, is, that the certificates of deposit were not payable to the order of the receiver, but to the loan agent. The weight of this objection is more in form than substance, as the offer of these certificates to the receiver by the loan agent, showed that the funds were at the disposal of the receiver if he would accept them. He accepted one thousand dollars of such certificates, and rejected thirty thousand dollars, because *current funds* did not in his opinion meet the requisitions of the law, however they might subserve the purposes for which the loan was negotiated, in a business point of view. That such funds would have served all the purposes of the desired loan; that the work on the canal would not only have been successfully carried on, but that every step of its progress would have added to the wealth of the country, the confidence of the people, and the facilities of obtaining means in future for its completion, were matters distinctly apparent; and at this day it may appear strange, that by some, who had influence and power, and professed every friendly feeling towards the canal, they were unseen and unheeded.

Truth is the daughter of time. It must now be conceded, and it cannot justly be defended, that the conduct of many

individuals in their opposition to the canal, was as much influenced by personal considerations in regard to its friends and supporters, as by an attention to the interests of the public at large. The latter is often made the pretext for great private injustice, without an equivalent benefit resulting to itself, for the infliction of irreparable injury. A strict adherence to the law of the land is the paramount duty of the citizen; the faithful performance of a duty imposed and undertaken, or solicited and granted, is not only imperative on the entrusted agent, but the approbation which might be awarded to his acts need not be expressed, as such performance of duty is always expected, and in this meets its own reward. But the manner of its performance, the spirit in which the work is done, the resulting effects of the act, are all, in justice, to be taken into consideration, whenever a question arises between the delegating power and the agent. No one pretends to say that the loan agent had not at heart, and in constant view, the ultimate prosperity of all the canal operations; no one denies that his intentions in executing his trust under the powers and authorities conferred on him by the governor, were strictly consonant with his duties as an honourable man, and a patriotic citizen. But all his efforts were rendered nugatory, and the effects of his operations totally destroyed by the action of other public agents, who claimed the same approbation to be awarded to the faithful discharge of their several trusts. And yet, on an examination of the several transactions in relation to the loans, and the action of the several officers on the deposits, and the acceptance of them, it may readily be perceived that the *letter* of the law was more considered than its *spirit*, and meaning; that judicial powers were assumed by ministerial officers; that zeal overstepped the line of duty; and that a present positive good was absolutely thrown away, lest a doubtful evil might in future arise from the acceptance of it.

But the fiat had already gone forth, *delenda est Carthago;* the inimical feelings had commenced in the very birth of the Canal Company as a corporate body, in a personal opposition

to individuals, deeply interested in the work, because its location might be more beneficial to them than to others. It was even urged as an objection to the canal that, because a valuable water power would be created in the town of Milwaukee on the west side of the river, it must of necessity be injurious to that part of the town on the east side of the river. It was attempted to turn the grant of land to political account; first in an agitation relative to pre-emption rights; and that ground being removed, then in complaints of the price of the land. Next, a resort to all expedients to impede the work, whereby the purchasers of canal lands, being deprived of expected advantages, might be disposed to join in the cry of disparagement. The interests of rival improvements then in contemplation, were brought to bear against it; the phantoms of state liabilities and great public debt, were raised up, to deter honest legislators from the fulfilment of public duties, by providing for the discharge of a sacred trust; and when unusual efforts were made to carry that trust into effect, they were all compelled to yield to an assumption of official powers, exercised under (at least) a doubtful construction of laws, and only in accordance with a strict and pertinacious adherence to technicalities.

In February, 1841, the law authorizing the loan was passed.

In May, 1841, Governor Dodge conferred authority on the loan agent to effect the loans.

In June, 1841, the loan agent effects a loan, and so informs the receiver, who refuses to accept of it, for reasons adjudged by himself to be consonant with the law and his duties.

In August, 1841, the loan agent informs Governor Doty, the successor of Governor Dodge, that he had negotiated a part of the authorized loan.

On September 1st, 1841, Governor Doty informs Byron Kilbourn, loan agent, that all authority conferred on him by the power of attorney, granted in May, 1841, by Governor Dodge, his predecessor, is revoked and annulled; and he is thereby required to return forthwith to the executive depart-

ment, all certificates of stock remaining in his hands, and a report of his acts under his authority.

On September 2d, 1841, Governor Doty issues a public notice that Byron Kilbourn is not authorized to sell or dispose of any bonds or certificates of stock made by the late executive of the Territory of Wisconsin under the act, &c., &c., *as no authority was given by said act, or any other act, to said Kilbourn to negotiate a loan upon the said bonds or certificates of stock.*

The deputation of authority was thus recalled; but no further attempts were made by the government to carry into effect the law authorizing the loan; and, at the session of the Legislature, in December following, the governor presented the matter of the loan before them, in his annual message; a committee was raised on the subject, and the development took place in the various communications, as has been stated herein.

On the 3d of February, 1842, this committee, by their chairman, Morgan L. Martin, made a report, with accompanying resolutions; the report is a tissue of reasoning, founded on these premises:—

1st. That the committee do not concede that according to the several acts of the Legislative Assembly, the power to appoint an agent to negotiate the loan of 1841 was vested in the governor, or that Mr. Kilbourn became in any manner legally authorized to enter into any negotiation for a loan on behalf of the Territory.

2d. That the act of the receiver, in refusing the deposits of the amount of the bonds in bankable funds, in the Life Insurance and Trust Company, was proper.

3d. That the loans of $5000 in New York, and $5000 in Albany, are yet in the agent's hands, and have not come into the power of the receiver.

4th. That the Bank of Vernon, in which the prospective loan of $15,000 is to be deposited in August next, according to agreement, is not a safety fund bank.

5th. The agent contracted for the future delivery of bonds

on deposits to be made in future, which he was unauthorized to do.

6th. Specie has not been received, nor has specie funds, for any of the bonds now outstanding.

Under this view of the facts, the committee arrive at a conclusion, that the Territory has not incurred any legal liabilities in the negotiation of the loan of one hundred thousand dollars, authorized by act of February 12th, 1841; that the government would be bound by a fair and natural exercise of discretion, by its general agent lawfully appointed, although she has failed to reap the advantages from his acts, she might have had reason to expect; that in the absence of positive proof of gross violation of duties or of fraud in the discharge of them, the government is legally, as well as morally, bound by the exercise of the discretion of her general agent, though it might result in a failure of the object intended to be accomplished, and thus involve the government in loss. But, in this case, Mr. Kilbourn was a special agent, and his reasonable discretion, as to all subordinate acts incident to the main business entrusted to him, was excluded by the express limitations of his power. A violation of these limitations taints the whole transaction with fraud, which renders his acts void in law. Nor can any subsequent holder of securities surreptitiously obtained, even without notice of the circumstances under which they were first issued or delivered, escape the consequences of the fraud. Believing this to be the correct view of this matter, the committee express the opinion that the fifty-five bonds of $1000 each, said to have been negotiated by Mr. Kilbourn, have been illegally and fraudulently disposed of, and the Territory is not liable for their resumption.

The committee, by their reported resolutions, deny the authority of the agent; declare that the bonds have been issued without valuable consideration; that the bonds negotiated by the loan agent are null and void; and that there is not, nor can be, any obligation, either legal or equitable, resting upon the Territorial government to reimburse the

amount of said bonds or certificates, or any part thereof. They except one bond, which is declared valid, because the receiver accepted the funds arising from its negotiation.

This report, and these resolutions, and the spirit in which they are founded, may well be judged from the predicates which they present; that the governor had no authority to appoint an agent; that, nevertheless, the governor did appoint Mr. Kilbourn; that, in view of the facts relative to the loan negotiations, the agent acted *fraudulently!* The soundness of such a conclusion is equal to the justice by which the Territory is to be guided in repudiating her bonds.

Two acts of the Legislature immediately followed this report; one was passed February 14th, 1842, by which it was enacted, That all interest moneys due to the Territory of Wisconsin, prior to the 22d of December, 1841, from purchasers of the canal lands, be, and the same are hereby absolutely remitted and discharged, and all and every purchaser, their representatives, and assigns, is and are hereby released from every obligation incurred to pay the whole or any part of said interest moneys. And all interest moneys which might have, or shall become due from any purchasers of canal lands, in pursuance of any act of the Legislative Assembly, except so much as shall be required by the canal commissioners to meet the interest on any loan which may have been made according to law, and so much as may be required to meet expenses in collecting, &c., not exceeding three hundred dollars, be, and the same are hereby absolutely remitted and discharged. No more interest shall be collected by the canal commissioners from the purchasers than shall be sufficient to meet the interest on any loan, and the amount to be collected shall be duly apportioned among the purchasers of canal lands.

In this manner did the Territory discharge the trust which she had assumed on herself. The canal lands, and the proceeds of their sales, belonged *exclusively* to the canal—the Territory, as a trustee for this use, sold the lands—the interest money was a fund belonging to the canal, and when

the trustee, by her deliberate act, discharged the purchasers from the payment of any part of this interest money, she thereby acknowledged the receipt of the same, and became instantly indebted to the canal for so much money arising from the trust fund, and now come to the hands of the trustee.

On the 18th of February, 1842, an act was passed repealing the first, sixteenth, and seventeenth sections of the act of February 26th, 1839; also the fourth section of the act of January 11th, 1840, and the second and third sections of the act of February 12th, 1841.

By the operation of this law, the authority to negotiate a loan was repealed; the power of the acting commissioner to approve of all contracts for material and labour on the canal was taken away; the authority of the register and receiver to pay for work done and materials furnished on the canal, on checks drawn and based upon the certificate of the chief engineer, was destroyed; the power to apply the canal funds to the construction of the canal, in case a loan should not be effected, was taken from the commissioners; the pledges given by law for the redemption of the loans are wholly resumed. The balance of the laws referred to, which continued in force, chiefly related to the canal lands, and the sale of them under the regulations of the trustee.

That so important a bill as this, in which the fate of a great public work was involved, and the integrity of the Territory, in fulfilling her voluntarily assumed trusts, was necessarily a matter in question, should be passed with a haste which absolutely negatives the least idea of deliberation upon it, is almost incredible; and, for the honour of legislation, it is to be hoped that its singularity will ever so remain. Let the journals of the session speak the history of the bill.

At seven o'clock in the *evening* of the 18th of February, 1842, Mr. Martin *obtained leave of the council to introduce a bill*, entitled, "A Bill to repeal parts of the several acts relating to the Milwaukee and Rock River Canal," which bill was read a first and second times; and, on motion

of Mr. Tweedy, the council went into committee of the whole on the bill, which was reported by the said committee *without amendment;* and, pending the question on ordering the bill to be engrossed for a third reading, on motion of Mr. Tweedy, *the rules were suspended*, and the bill was read a third time, passed, and the title agreed to. The ayes and noes were not called for.

The same night, the bill is sent to the House of Representatives, and the example of industry is not lost here; a few minutes after it has been presented for concurrence, it is taken up, read a first and second times, and passed through a committee of the whole, without amendment. It is then laid on the table for a few minutes, taken up, and amended, so as to repeal that part of the act, which provides for the appointment of a territorial engineer; and, by special order of the House, the bill is then read a third time, passed, and the title agreed to. No yeas and nays are called for.

The same night the bill is carried back to the council, and the amendment of the House is concurred in. It is immediately afterwards reported as correctly enrolled; again, it is reported as presented to the governor for his signature; the bill finally receives the approval of the governor on the same night of the 18th of February, 1842.

The passage of this bill, together with other proceedings of the Legislature at this session, sealed the fate of the canal; all hopes of its completion were despaired of by its most sanguine friends; the confidence of the people, in the ability of the Canal Company to resist the power raised up against the work, was destroyed; and the Legislature dealt a final blow by endeavouring to repudiate her trust, and calling on Congress to repeal the grant, take back her lands, and make provision by law, that all purchasers of canal lands, who had bought for two dollars and fifty cents per acre, should have the excess of one dollar and twenty-five cents per acre returned to them.

It is proper to be remarked, in viewing the action of the Legislature at this session, that the relations between the Ter-

ritory and the Canal Company were not regarded in the light that strict justice demanded; the following facts should be borne in mind throughout all the proceedings of the Legislature.

The grant of land was obtained through the sole agency of the Canal Company, without any aid or co-operation whatever on the part of the Territory, so that whatever interest the Territory might have in that grant, was conferred upon it as a gratuity, through the unaided exertions of the Canal Company.

The grant was made by Congress for the express purpose of aiding the construction of "The Milwaukee and Rock River Canal, and for no other purpose whatever."

The canal was to be under the sole direction and control of the Canal Company, agreeably to the provisions of the act of incorporation, expressly sanctioned, and the rights of the company expressly recognized, by the act of Congress making the grant. No right of property in the said lands is conferred upon the Territory, nor can any title to said lands ever vest in the *State* which might thereafter be admitted, unless the State shall accept of such title, subject to all the conditions of the grant, by an act to be duly passed by the Legislature of the state, expressly assenting to such conditions.

All the necessary expense, labour and trouble of obtaining the grant was incurred by the company, without aid of any kind from the Territory, not even a memorial asking for it, on part of the Territory. The explorations, surveys, locations of line, and construction, were made on expenditures from the private means of the company, and on the faith of expenditures to be made by the Territory, of funds to be derived from those very same lands which had been placed at its disposal by the Canal Company.

The Territory, *as such*, had not at any stage of the proceedings expended a dollar, either towards procuring the lands, or in the construction of the canal, nor had it expended, for any beneficial purpose, *out of the proceeds of those lands*,

but little more, if so much, as the Canal Company had from their private funds.

On the passage of the law of Congress making the grant of lands, three parties were created, grantor, trustee, and *cestui que trust;* the United States grantor, the Territory grantee and trustee, and the Canal Company for whose use the grant was made, and the trust created. The Territory might have then refused to accept of the trust—she did not, but of her own volition accepted it; and having so done, she was bound to carry the trust into effect—she could not repudiate it, or relinquish it, without the consent of all the parties concerned.

And it may here be said that there was another party to the trust, springing from the execution of it; the purchasers of the lands contained in the grant, who were either settled upon them before the grant was made, or had subsequently purchased, at sales made under the trust, with the expectation that the work on the canal would be prosecuted with all promptitude and vigour.

Simultaneously with the passage of the repealing law at this session, resolutions were adopted, declaring that the trust was imposed on the Territory without her consent; that she had done all that prudence required, to execute the trust beneficially; that she had made repeated efforts for three years to borrow money on the pledge of her faith, and of the grant; that all the Territory had been able to expend on the canal, was $1000 borrowed, and the sum of $13,604 40 received from the sales of land, and the entire sum expended by the canal is but *a few thousand dollars;* that all hopes of the construction of the canal are abandoned by its friends; and it is now *clearly seen*, that the work is far beyond the resources of the Canal Company or of the Territory; therefore the Territory is withdrawn from a further discharge of its duties as trustee; all connection with the Canal Company dissolved, all prosecution of the work on the canal abandoned, Congress requested to repeal the canal grant, take back her lands, and make provision for returning the excess of pur-

chase money to the purchasers; and that this preamble and resolutions be transmitted to our delegate in Congress with instructions to introduce and urge the passage of a bill to carry these resolutions into effect.

These resolutions were of course transmitted to Congress, and the Canal Company addressed a remonstrance to that body, in which their undoubted rights are plainly set forth, and their claims to mere justice confidently asserted. All the matters were referred to the committee on the public lands; from which committee, on the 10th of May, Mr. Howard made an able and full report, spreading out the history of the canal, the grant, the acceptance of the trust on part of the Territory, her action under the trust, and the legal and equitable rights and consequences, accruing to the parties, and flowing from the trust. The committee of Congress deny the positions assumed by the Legislature of the Territory, in every important part—they deny their inferences—they can scarcely believe that the Territory will refuse to execute the trust which was not *imposed* on her, but was voluntarily assumed by her; and they say, that such an act of bad faith as the revocation of the trust, might possibly leave the company without remedy by ordinary process of law, but it could not strip them of their rights under the grant. The principles of justice endure, though the forms of positive law may be changed; and although governments, having entered into solemn compacts with private individuals, may not be required to answer for supposed delinquencies at any judicial tribunal, yet this exemption has never been construed as implying an absence of obligation in their contracts, or any power to infringe or impair the vested rights of those with whom the engagement was contracted. Such a principle is justly abhorrent to the moral feelings of men, and if practised by governments justly exposes them to the condemnation and scorn of the world. The committee report a resolution, that Congress ought not to interfere with the act of cession, without the consent of the Milwaukee and Rock River Canal Company.

In accordance with the principles set forth in this report

of Mr. Howard, and in the true spirit of the appended resolution, Congress has never yet, in any shape interfered with the act of cession, as the consent of the *cestui que trust* has never yet been given for such interference in any manner whatsoever; and the efforts of the Canal Company to accommodate and settle her differences with the Territory and subsequent State, have hitherto been wholly unsuccessful.

Viewing the causes set forth in the preamble to the resolutions of the Legislature of 1842, as the reasons on which those resolutions are based, to be erroneous, it is difficult to assign a just and adequate motive for the difference of action exhibited by the same individual, at two periods, within the term of one year; at one time officiating as Canal Commissioner on behalf of the Territory, and making an able and legal report to the Legislature on the subject of the canal lands; and at another, and subsequent time, as a member of the Legislature, supporting and voting for a preamble and resolutions, at total variance with the principles of such report, and wholly abnegating the duties of the Territory to carry into effect her voluntarily assumed responsibilities. A retrospective view of the report of George H. Walker, John Hustis and John H. Tweedy, canal commissioners appointed by the Territory, laid before the Legislature in December, 1840, presents the following able and truthful remarks on the duties and obligations of the Territory as a trustee under the act of Congress:

"The canal lands were granted to the Territory in trust for a specific use—the construction of the Milwaukee and Rock River Canal. The conveyance having thus become absolute, Congress has no power to revoke or restrict the grant, or vary the trust or use, except by extending the time of the performance of the trust. The Territory is a trustee; as such, she cannot surrender the trust or lands, with or without the consent of Congress, or change, or vary the application of the funds. * * * The power in every such case draws with it the duty. * * * * The Territory has made her election. * * * * She has chosen the path of duty and

interest. * * * You cannot assume the power, without assuming the duty. And if the Territory or State assumed but in one instance to exercise the power, if she but once touched the fund, she at that moment became bound by every duty incident to the power; and if she failed to discharge those duties, every party interested, the purchaser of land, the Canal Company, and Congress would have the same rights, as every person in every other case of an abuse or perversion of a trust, to apply to the proper tribunal for arrest of the injury and suitable relief."

The commissioners in an emphatic manner say, that "the sentiments of a great portion of the community are crude and unsettled on the subject of the canal lands, and many men of influence and intelligence labour under misapprehensions so strange and inconsistent, as to require serious notice." They proceed: "There are many, strange as it may seem, who have, and do now speculate seriously on the policy and expediency of diverting this fund to the construction of some other work, railroad, or enterprise. * * * A conception it would seem (even if the Territory had the power to carry it into execution) too monstrous to be harboured for a moment. * * * * * The disposal of any portion of the canal fund for any purpose but the canal itself, would be an instance of breach of trust, and violation of pledged faith, unparalleled in the history of any government in our country, as well as an act of most flagrant injustice."

This argument of the State officers was doubtless correct; but in February, 1842, we find one of these officers, in his legislative capacity, advocating a change of policy, and voting for a preamble and resolutions, to the effect that "all connection of the Territory with the Milwaukee and Rock River Canal Company ought to be henceforth dissolved; that all prosecution of the work of the canal by the Territory, ought to be henceforth abandoned; and that the Territory ought not to proceed to execute the *office of trustee imposed upon her* by the act of Congress."

We have seen that the first step in legislation, under this

new policy, and most untenable doctrine, was taken by the passage of the repealing act of February 18th, 1842. We proceed to examine subsequent acts of the Territorial Legislature, and joint resolutions, in relation to the canal lands, and the disposition of canal funds, which, according to old received opinions of law and justice, (perhaps, now, too antiquated,) ought ever to have been considered as inviolate in the hands of a trustee, and sacred from even a single thought of a perversion of the trust.

We give, then, a condensed view of the several acts of the Territorial Legislature, from this period, 1842, to the adoption of the constitution, and the formation of State government.

By the second section of the act of February 19th, 1841, it was declared, "that if any purchaser of canal lands shall not file his bond and mortgage, as required by law, within six months thereafter, and shall not pay interest and principal becoming due on such land, at the time when the same should become due, such purchaser shall forfeit all legal and equitable right to such land."

This section was repealed by the act of March 25th, 1843.

By act of January 25th, 1844, it was declared: "That the payment of all principal and interest money, which now is, or which hereafter may become due to this Territory, from purchasers of lands granted by Congress to said Territory, to aid in the construction of the Milwaukee and Rock River Canal, be, and the same hereby is indefinitely postponed; and no suit shall be instituted, at law or in chancery, upon any bond, mortgage, or other security, given for any such principal, or interest money, until such times as the Legislature shall hereafter determine; and in case any such bond, mortgage, or other security, shall not be paid or discharged until such time as the Legislature shall prescribe, the same, or the condition thereof, shall not for that cause be deemed to have become forfeited: Provided, that nothing herein contained shall affect the right of the Legislature, at any time hereafter to require the payment of said interest and principal moneys,

at such times, or on such conditions as they may provide, not inconsistent with the contracts of such purchasers.

By act of February 24th, 1845, entitled, "An act to authorize a further sale of the canal lands, and for other purposes," it was provided: "That so much of the canal lands as remained unsold at the passage of this act, should be brought into market, and offered for sale, on the second Tuesday of April, 1846, in the town of Milwaukee, unless such sale shall be hereafter prohibited by act of Congress. Four months' notice of the sale to be given by the register and receiver.

§ 3. Such lands shall be sold, in all cases, to the highest bidder, at not less than one dollar and twenty-five cents per acre.

§ 6. Purchasers of lands formerly sold, may avail themselves of the provisions of this act, by paying ten per centum of the balance due on such lands, without including any interest, and estimating the original purchase at one dollar and twenty-five cents per acre, on or before the first Monday of July, 1845; and the remainder between the first Monday and the second Tuesday of April, 1846. Bonds and mortgages executed by the original purchasers of such lands, to be cancelled and released by the receiver.

§ 7. Out of the proceeds of such sales, the receiver is authorized and required to pay to sundry persons named in the act, sundry enumerated sums of money, amounting in the aggregate to the sum of two thousand six hundred and fifty-four dollars and twenty-five cents; the same to be paid out of the instalments of ten per cent.

§ 10. All moneys (except such appropriations) paid to the receiver under the provisions of this act, shall be deposited by him in the Bank of America, in the city of New York, to the credit of the Territory of Wisconsin, and to be drawn out only in such manner as the Legislative Assembly shall hereinafter direct.

§ 17. If Congress disapprove, or fail to approve of this act, then the said lands to be sold at the minimum price of

two dollars and fifty cents per acre—one-half of which bid, to be paid on the day of sale.

At the same session, (24th February, 1845,) the Legislalature addressed a memorial to Congress, on the subject of the canal lands. In this memorial, it is set forth and acknowledged, that the Territory, having accepted the grant of the canal lands, became a trustee, bound to apply the proceeds of said grant to aid the Canal Company in the construction of the canal, and accountable to the United States for such proceeds in case the canal should not be completed within a limited time.

It is stated that the project of constructing said canal is believed to be far beyond the available resources of the company and of the Territory, and has long since been abandoned by its friends, by the company, and by the Territory.

It is stated, as a belief, that the canal grant has been a *serious injury* to the settlers upon it, and to those counties of the Territory in which it lies. That it has retarded the settlement and improvement of a large region of the *finest country;* that only a small part of the lands have been sold, and that the price is *excessively high.*

It states the amount of sales of the canal grant to be 43.527 $10_{\frac{1}{100}}$ acres.

| | |
|---|---|
| The whole amount of receipts on sale to be | $13,624 49 |
| Also the amount of a Territorial bond, (canal loan,) - - - - - - - - - | 1,000 |
| Outstanding direct liabilities of the Territory, on account of the canal, amounting to - | 15,059 43 |
| The Canal Company claim to have expended on account of the canal, over and above all receipts, - - - - - - - | 46,573 84 |

The Legislature, in order to afford relief to the settlers on these lands, and extricate the Territory from the difficulties of its position, feel sensibly the necessity of early providing, by law, for the sale of the canal lands, and effecting

a settlement with the Canal Company, by which all connection between it and the Territory may be dissolved. This, they say, they have done.

They ask Congress to pass a law authorizing the Territory to effect a final settlement with the Canal Company, and to purchase the canal, with all its privileges, to be paid for out of the proceeds of the sales of the canal lands, and that the same may be granted to the Territory.

They also ask that the canal lands, or the balance of the proceeds thereof, may be donated to the Territory, to be appropriated to public uses; to pay the debt incurred for completing the Capitol, and to build a penitentiary; also, to establish a Normal school, and the balance, for such beneficial purposes as the Legislature may deem proper. The estimate for the payment of the Capitol debt is $50,000—for building the penitentiary, $20,000.

They request a reduction of the price of the canal lands, both of the odd, and even numbered sections.

This memorial presents some features worthy of notice, as contrasted with the action of the Legislature at previous periods.

It acknowledges that the Territory accepted the trust, and became bound to apply the proceeds of sales of canal lands, to aid in the construction of the canal. It admits that the Territory is liable to the United States for the proceeds of the sales, in case the canal is not completed in ten years.

It states that the *canal grant* had been a serious injury to the settlers upon it; and that it has retarded the settlement of the country, although it is in the *finest* region, and that the price is *excessively* high; a small part only of the lands had been sold. Perhaps it might have truly been stated, that, although the price of the lands had been reduced by the Legislature to the minimum price of other public lands, the absence of settlement, sales, and prosperity of this region of country, was owing to the *action* of the Legislature in relation to the canal, and not to the *grant* made by Congress, or the conditions contained in it.

The memorial acknowledges the necessity of a speedy settlement, on the part of the Territory, with the Canal Company, and asks permission from Congress to purchase the residue of the canal lands remaining unsold, for the purpose of making such settlement; after such settlement has been made, a donation of the balance of lands and money to the Territory is requested. This does not appear to be in strict accordance with other acts of the Legislature, wherein the rights of absolute ownership of the canal lands had been exercised, detrimental to the interests of the canal, and at variance with the terms of the grant, and acceptance of the trust.

On the 3d day of February, 1846, a resolution was adopted by the Legislature, entitled, "Joint resolution in relation to canal funds." It orders:—

"That the receiver of the canal lands shall pay over to the Treasurer of the Territory all moneys which may arise from any sale of the canal lands, after deducting the expenses of such sale.

"That the money thus received into the treasury of the Territory shall be liable for all debts due from said Territory; and the said treasurer is hereby authorized to pay and discharge the same in the same manner, and for the same purposes, as any other money in said treasury.

"That the money so received shall be liable to be, and so much thereof as shall be necessary, is hereby appropriated to the payment of the expenses of holding the Convention to form a Constitution for the State of Wisconsin, the current year, and may be paid out in such manner as the convention shall provide.

"That the faith of the Territory and future State of Wisconsin is hereby pledged to repay to the said canal fund the sum which shall be diverted in pursuance of the above resolutions to the purposes aforesaid, whenever the same shall be required to be repaid for the purpose of executing the trust created by Congress in making the 'canal grant;' and all laws contravening these, are hereby repealed."

"It is evident by these resolutions that the Legislature, in

laying hands on the canal funds, declared that it borrowed the same for certain temporary uses of the Territory and State, for the payment of debts and expenses for which no other provision had been made, and pledged the public faith to refund the same when required. It is an unequivocal admission that the "canal fund" did not belong to the Territory, and that it designed only to make a temporary use of it.

By an act passed 8th February, 1847, it was provided, "That the register and receiver (of canal lands) shall cancel and release all mortgages in their hands, executed by any purchaser of canal lands, and no mortgage shall be required to be given by any purchaser, (under the act to authorize a farther sale of the canal lands,) either upon lands heretofore sold, or upon those which hereafter may be sold. Patents shall issue to purchasers, and all mortgages executed to the territory under acts passed prior to the year 1845, shall be cancelled and released, on payment of one dollar and twenty-five cents per acre on the lands embraced in said mortgages, including payments heretofore made thereon.

"The register and receiver shall proceed to sell all the lands granted to the Territory of Wisconsin, (canal lands,) which remain unsold."

So much of the first section of the act of February 24th, 1845, as relates to the prohibition of a sale by act of Congress, is repealed; the seventeenth section of said act, which fixes the minimum price at $2 50 per acre, in case Congress fail to approve of said act, is also repealed, whereby the lands were authorized to be sold at $1 25 per acre.

On the 11th of February, 1847, the Legislature again memorialized Congress to reduce the minimum price of the even numbered sections of the canal lands, to $1 25 per acre. It is also asked that the surplus money be refunded to those persons who entered lands on the even numbered sections, at $2 50 per acre.

There is in this memorial a reiteration of the assertion, that the project of constructing a canal was found to be far beyond the available resources of the company, and of the

Territory, and has long since been abandoned by both. That large numbers of settlers, invited by the prospective improvement of the country by the construction of the canal, located upon these lands, and made valuable improvements thereon, awaiting the time when they should be offered in market at the enhanced price of $2 50 per acre placed on them. That the abandonment of the work has been to all these enterprising and meritorious individuals a source of deep disappointment and irreparable injury, after many years of anxious suspense; the Legislature has given relief to the settlers on the odd numbered sections, by authorizing a sale of all the unsold lands at one dollar and twenty-five cents per acre.

Perhaps questions might occur, on perusing this memorial to this effect: How does it appear that the construction of the canal was far beyond the available resources of the company? The very contrary fact has been shown, at the earliest days of active operations on the canal. Who caused the abandonment of the work on the canal? Were the settlers on the canal lands, who made valuable improvements in view of the construction of the canal, *silent* on the subject of the perpetual war waged by the Legislature against the Canal Company? Or were the acts of the Legislature at variance with the wishes and sentiments of the *people* on that subject? What portion of the *people* of the Territory were always most clamorous for the abandonment of the canal? and whose representatives were those members of the Legislature, who were most active and efficient in the work of destruction? Did the settlers and purchasers of the canal lands give their aid towards the completion of the canal, or did their repeated, and, perhaps, concerted action, not only retard its progress, but finally result in its abandonment by the Legislature? Had the contemplated reduction of the price of *valuable* lands in the *finest* region of country, any bearing on the action of the representatives of the *people*, in legislating on the affairs of the Canal Company?

On the 9th of February, 1848, the Memorial of Byron

Kilbourn, President of the Milwaukee and Rock River Canal Company, was presented to the House of Representatives; it prayed for a final settlement of the affairs of the company with the Territory, and proffered a surrender of its charter, and an extinguishment of its rights, on principles of equity and justice. This memorial was referred to a select committee of seven, four of whom made a majority report on the 19th of February, and three made a minority report on the 28th of February.

In the mean time, by a resolution of the House, the Attorney-General of the Territory was called on, to examine the said memorial, and all laws and resolutions of the Territorial Legislature upon that subject, together with the charter of the Canal Company, and the act of Congress donating the land, &c., and report to the committee his opinion in regard to the present situation of the affairs of said company, the powers and liabilities of the Territory upon that subject, and such other information as he may deem important to the adjustment of all matters relating to the same.

A public meeting was held in Milwaukee on this subject of a settlement, and its proceedings forwarded to the Legislature; remonstrances against any settlement with the Milwaukee and Rock River Canal Company, and a petition of 327 citizens of Milwaukee County on the subject of such settlement, were also presented for the consideration of the House. All these furnished strong evidences of an existing excitement on this subject, kept alive and occasionally stirred up by characters, influential in certain portions of the Territory.

The opinion of the Attorney-General was furnished to the committee on the 16th of February, 1848, and, after reciting the various acts of Congress and of the Territorial Legislature in relation to the Canal Company, and the canal grant, he arrives at the following conclusions, as to the legal rights and obligations of the Territory, and Canal Company respectively:—

"The lands were granted to the Territory to aid in the

construction of the Milwaukee and Rock River Canal, and for no other purpose; they were granted on the petition of the company, acting under the authority of the Legislature; the grant clearly specified its object.

"The Territory accepted the grant, and entered upon the execution of the trust; she became a trustee of the fund with a full knowledge of her duties towards the company.

"Out of this act, the law implies a contract on her part, faithfully to discharge those duties, and she was legally bound in good faith to apply the funds arising from the sale of the lands granted, to the object intended by the grantor.

"From this obligation thus voluntarily assumed, and partially performed, she could not escape by her own act, but to enable her to do so, must have the assent of all the parties in interest in the trust, both grantor and *cestui que trust*.

"In part compliance with her duties, she has paid to the company, and for her benefit, about thirty thousand dollars of the trust fund. The Canal Company on its part, by accepting the act of incorporation, undertook to commence the canal within three years, and complete it within ten years.

"There was then, existing between the Territory and the company, a contract equally binding on each side, which neither could disregard without suffering its legal consequences. If, on the one hand, the company fail, the Territory could enter upon the unfinished work, dispose of it, and thus re-imburse her treasury. If, on the other hand, the Territory failed to apply the balance of the fund to its legitimate object, the law will afford her no remedy to recover from the company that portion already paid to it; as well that, lost by her failure to comply with her duty as trustee, as that which has been diverted from its proper use. These principles of law, applicable to the transactions of individuals, apply also to governments and companies, although the same remedies do not always exist against governments. Apply these principles to the facts of the case, and how stands the controversy?

"The company has on its part, at all times, as appears by its acts, been ready to comply with its part of the contract, and apply the fund to the construction of the canal.

"What has been the course of the Territory? Let her records answer.

"At the session of 1842, she repudiates the bonds issued by the authority of Congress, on the pledge of the proceeds of the canal lands.

"At the same session, she declares, by joint resolution, having all the force of law, 'that all connection of the Territory with the Milwaukee and Rock River Canal Company ought to be henceforth dissolved; that all prosecution of the work of the canal, by the Territory, ought to be henceforth abandoned; that the Territory ought not further to proceed to execute the office of trustee, imposed upon her by the act of Congress.'

"By the act of 1843, she suspends the further sales of the canal lands.

"By the act of 1844, she indefinitely postpones the payment of all principal and interest moneys due, or to become due, from purchasers of lands granted by Congress to aid in the construction of the Milwaukee and Rock River Canal.

"By sundry subsequent enactments, she orders further sales, and diverts the trust funds to her own use.

"She has not only refused, but voluntarily placed it beyond her power, to comply with her part of the contract with the company.

"The Territory then, has no legal claim against the company for moneys advanced; and having by her own act prevented the progress of the work, she cannot, under the right of entry reserved, take possession of the unfinished work, and dispose of it, for governments cannot legally, more than individuals, take advantage of their own wrong.

"The Territory must choose between two evils; forfeit to the company thirty thousand dollars, heretofore advanced to it, or pay to the company such sum as shall be found justly due to it for moneys expended, and take the property, with the

assent of the company; for without that assent it cannot be taken."

Such was the opinion of Attorney General A. Hyatt Smith, as submitted to the committee; its correct statements, and legal deductions, will not admit of sound contradictions.

On the 19th of February, 1848, the majority of the committee made their report to the House, in which they set forth the organization of the Canal Company; the grant made by Congress; the creation of the trust, and the acceptance of the same by the Territory, as trustee; the commencement of the work on the canal, and the completion of a portion of it, through the means of the company, aided by the proceeds of the sales of a portion of the canal lands; the failure to procure adequate loans to complete the canal; and the change of policy in the Legislature, in 1842.

The committee proceed to state the several acts of the Legislature, in their effects detrimental to the canal company, and the work on the canal.

I. Remitting the interest due from purchasers of lands, which had been previously specifically appropriated to carrying on the work of the canal, in the event that a loan should not be effected; and simultaneously,

II. Rejecting a loan which had been made.

III. Withdrawing the Territory from a further discharge of its duties as trustee, declaring that such duties had been imposed upon it by Congress, without its consent.

IV. Requesting Congress to take back the grant of land, declaring, in substance, that the work was impracticable, and beyond the means of the Territory, or company, to accomplish.

V. That it would no longer act as trustee, or aid by any means of said grant, the further prosecution of said work.

The committee state that Congress did not, and could not, approve of the action of the Legislature, refusing to assent to a retrocession of the canal lands, as requested by the Legislature, and cite the able report of Mr. Howard, from the

Committee on Public Lands, in which it is conclusively shown that the canal lands had become a trust estate, and that Congress could not make any other disposition of them, without the consent of the Canal Company, as a party interested in the grant. The committee refer to the following resolution reported by Mr. Howard:

"Resolved, that Congress ought not to interfere with the act of cession, without the consent of the Milwaukee and Rock River Canal Company."

And further observe: Neither did Congress approve the action of the Legislature in rejecting the bonds which had been negotiated on account of the canal fund, but, on the contrary, a report was submitted by the Committee on Territories, in which they declare, that, "after due examination of the case, * * * * they are unable to see any satisfactory grounds why the Territory of Wisconsin should persist in pronouncing said bonds to be null and void, and they are therefore persuaded to believe, that some arrangement will be made, as they think it certainly *ought to be*, for the payment of the same, either out of the proceeds of former sales, or out of the lands yet remaining to be sold.

The committee state, that this adverse and illegal action of the Legislature had effectually arrested the progress of the canal. Nor was this action of the Legislature founded upon any improper action of the Canal Company, either evident or imputed. It never had been, nor was it then charged or pretended, so far as your committee can learn, that the company had not faithfully discharged all the duties and trusts devolving on it. Yet, although no fault had been imputed to the company, this unlooked-for action of the Legislature worked a serious injury to it, and to the tract of country bordering on the line of the canal. It had exhausted its own means in the commencement of the work, relying upon the canal fund for the means of its further and successful prosecution. This being cut off, there was no alternative but to arrest the work, as it was the main reliance for so far completing the work, as to induce private capital to embark in it.

The Legislature resumed its office of trustee; it assumed full jurisdiction and control over the lands; authorized a sale of the same, and provided for the appointment of a register and receiver to sell the same, and to receive and keep the revenues arising from such sale; it reduced the minimum price to $1,25 per acre, to be paid in cash, instead of giving a long credit, as in the former act, subject, however, to the approval of Congress.

The committee cite the joint resolutions of February 3d, 1846, whereby the canal funds were appropriated to pay the debts of the Territory, and the expenses of holding a convention to form a constitution; and that the faith of the Territory and State of Wisconsin was pledged to repay the same to the canal fund, whenever the same shall be required for the purpose of executing the trust, &c. Also, the act of February 8th, 1847, whereby the minimum price of the land was reduced to $1.25 per acre, unconditionally, and bonds and mortgages were to be discharged by payment of the same amount per acre; by which act, all the power over the disposal of said lands was exercised, that Congress could have done, if the grant had never been made.

In pursuance of the above recited acts and resolutions, a large amount of the land had been sold, and the proceeds deposited in the territorial treasury; the same has been paid out, in discharge of the debts of the Territory, to an amount, it is believed, of some $25,000, to $30,000, of indebtedness, and also to defray the expenses of two conventions, to the amount of some $50,000, or upwards, in the aggregate some $80,000, which, by the terms of said acts and resolutions, the State of Wisconsin will be indebted to the canal fund, and which her faith stands pledged to refund.

From these facts, the committee draw the following conclusions:

"1. The Territory has entire control over the canal lands and canal funds, as trustee.

"2. The Canal Company is the legal owner of the canal and

all its works, and is the only party interested, that in the present posture of affairs can demand a further execution of the trust.

"It is therefore desirable for the Territory and future State, to obtain a surrender of the company's charter, thereby extinguishing the interest of the only party that can demand a further execution of the trust, or at present require a repayment of the sums loaned, of the canal fund.

"The committee assign reasons for a prompt settlement with the Canal Company.

"1. The State of Wisconsin cannot act as *trustee*, but solely as *principal;* and it can only become principal by expressly assenting to the terms of the grant, by which terms alone, it can acquire these lands in fee, and the proceeds arising from them, as owner, for a *specified object*, and *for no other purpose whatever*. By section five of the act of Congress, it is provided: 'Whenever the Territory of Wisconsin shall be admitted into the Union as a State, the lands hereby granted for the construction of said canal, or such part thereof as may not have been already sold and *applied to that object*, under the direction of the Territorial government, shall vest in the State of Wisconsin, to be disposed of under such regulations as the Legislature thereof may provide, the proceeds of the sale to be applied to the construction of the said canal, or of such part thereof as may not have been completed.' Provision is made in this section, that the State shall have an interest in the canal, equal to the amount of land sold, and applied to its construction.

"2. By section 6, it is further provided, that 'the said State of Wisconsin shall be held responsible to the United States, for all moneys received upon the sale of the whole, or any part of the said land, if the said main canal shall not be commenced within three years, and completed within ten years,' &c.

"3. By section 7 it is provided: 'In order to render effectual the provisions of this act, the Legislature of the State

to be erected, or admitted, out of the Territory now comprised in Wisconsin Territory, east of the Mississippi, shall give their assent to the same, by *act to be duly passed.*'

"4. The state, from these enactments, can in only one way become interested in the lands, and acquire any control over the subject of the canal, either in regard to its management, or the disposal of the land, or of the funds derived from the sale of the same; and that is by an unconditional acceptance of the grant, subject to all the conditions above recited.

"5. It is now impossible for the State to accept said grant according to its conditions, as two of those conditions cannot now be complied with. One of these is, that the land should not be sold for less than $2 50 per acre; and inasmuch as a large proportion of said land has been sold for $1 25 per acre, this condition cannot be complied with. The other is, that the canal should be completed in ten years from the date of the act, or the State be liable to the United States for the price for which the land was sold, not less than $2 50 per acre; which is now also impossible, as the ten years will expire on the 18th of June next, only a few days after the meeting of the first State Legislature. It is therefore clear that the State cannot accept the grant, and cannot therefore acquire any interest in the canal, nor in the canal lands, nor in the canal funds.

6. The Company would acquire the absolute ownership of the canal, and be clothed with full power to compel the proper application of the remaining lands, through some other trustee, that might be appointed by the United States, or some proper judicial tribunal, and to require of the State, upon its plighted faith to repay to the canal fund the money borrowed therefrom for territorial and State uses. The State would be compelled by the Constitution now about to be adopted, to provide for the payment of that debt, within five years from the time of its adoption.

7. Nothing short of a surrender or extinguishment of the Canal Company's charter, can release the State from its obligation thus to pay this acknowledged debt to the canal fund;

and this, the State has no power to effect. In the event of such surrender or extinguishment, the State would be released from such existing obligation, and would be accountable only to the United States.

"8. Three parties were primarily interested in the canal fund; the United States, the Territory or State of Wisconsin, and the Canal Company. With the termination of the Territorial government, its powers will cease; and these powers cannot be taken up by the State government, for the reasons already given. The only remaining parties will be the United States, and the Company. If however, previous to the termination of the Territorial government, the Legislature shall obtain a surrender of the Company's charter, the Company will no longer remain a party; and the only remaining party will be the United States.

"9. By such surrender, the rights of the Canal Company will be extinguished; the canal fund, and lands, and all the canal property will revert to the General Government—all obligations relative to the canal, will be obliterated on the part of the original parties, and the whole subject will be disencumbered of all the difficulties that now surround it."

The committee adduce other cogent reasons for a speedy settlement by the Territory with the Canal Company, and refer to a statement of the accounts of expenditures on the canal, as exhibited by the President of the Canal Company, in obedience to a resolution of the House, as follows:

| | |
|---|---|
| The whole amount expended on the canal including superintendence, up to December 31st, 1847, is . . . . . | $56,745 33 |

Of this amount there has been paid by the Territory, out of the canal funds the following sums:

| | |
|---|---|
| Paid by Canal Commissioners on contracts up to December 4th, 1841, (see report of committee on internal improvements H. of R., February 1st, 1845, page 6,) . . . . | 6,720 70 |

| | |
|---|---|
| Paid by appropriation to John Anderson, Feb. 10, 1847 . . . . . | $10,000 00 |
| Territorial Bonds, payable in 1851 . . . . | 10,000 00 |
| Water rents up to December 31st, 1847 . . | 5,156 27 |
| | $31,876 97 |
| Amount paid by Canal Company . . . . | 24,868 36 |

In conclusion, the majority of the committee express the opinion, that it is an act of justice and of true policy, for the Territory and State of Wisconsin to effect at this time a settlement with the Milwaukee and Rock River Canal Company, with a view to obtain a surrender of their charter and property, and an extinguishment of all their rights. They, therefore, report a bill to that effect, and recommend its passage.

This report is signed by James Holliday, Isaac P. Walker, Levi P. Drake, and George Reed.

The report of the minority of the committee was made on the 28th of February, and exhibits their views of the matter submitted to them, and their reasons for differing in opinion with the majority. It lays down some singular positions, and draws thence, some equally singular conclusions, which may be adverted to, if only for the purpose of exhibiting the different manner in which the relations existing between the Territory and the Canal Company, were viewed by those who had legislative control over the whole matter.

The minority of the committee, (admitting the Territory to be a trustee,) say, that in a due exercise of a sound discretion she ought not to have advanced funds for the prosecution of the work, *any faster* than the Canal Company did; taking into consideration the whole probable cost of the work, and the probable amount of the grant when sold. * * * The grant was made by Congress not as the *principal fund* for the construction of the canal, but, in the language of Congress *to aid* in its construction. * * * The company was to be organized on the subscription of $50,000 of capital stock; this condition was complied with; they were autho-

rized to increase their capital stock to one million of dollars. * * * Has any exertion been made to increase the amount of stock? Has the fifty thousand dollars been expended, or even paid in? * * * The company has expended some twenty-four thousand and some hundred dollars, and the trustee has paid out, for the prosecution of the work some thirty-one thousand and some hundred dollars. * * * Whenever the Territory saw that it was the intention of the Canal Company to use up the funds of the *trustee*, without making any exertion to increase their capital stock, as they were empowered to do, or pay in and appropriate the amount of stock already subscribed, as it was the duty of the company to do, it became a duty which the Territory owed to the grantor, to stop expending the trust fund *for that purpose;* or if she saw that with all the means at the command of the company, together with the canal grant, that the work could not be completed in the time limited by law, it became her duty to pause, and prevent a *perversion* of the trust fund.

These views of the minority of the committee on the reciprocal *duties* of the Trustee, and the *cestui que trust*, are not only extraordinarily singular, but might be considered as given without a foundation, if the committee had not expressed the following opinion, as one which generally governs their whole report. "Now it occurs to us, that if the legal and equitable interest of the fund arising from the grant made by Congress, was to vest in the Canal Company, and it was to have the entire control of the proceeds, and the Territory was merely a trustee, obliged to obey the dictates of that company, that the company as the *cestui que trust*, and not the Territory or future State of Wisconsin, should have been held responsible to the General Government for the final completion of the canal.

"Then in what relation does the Territory stand to the Canal Company? Our answer is, She is a *Trustee for the future State of Wisconsin*, if the intentions of Congress are carried out; and *as such*, holds an interest in the canal, so far as the same has been completed, to the amount of funds

expended by her, as *such trustee*, in the prosecution of the same."

"The 5th section of the act of Congress, as by us construed, *intends* the whole grant for the benefit of the *State* of Wisconsin. In this view, the Territory, if a trustee at all, is a trustee for the future State."

The minority of the committee say they differ from the majority, in these two particulars: first, as to whether the State of Wisconsin was, under the act of Congress made the *cestui que trust*, or the Canal Company; secondly, as to whether the company can compel the Territory or future State to refund the money used by the Territory. They come to the following conclusion:

"The Territory has no claim upon the Canal Company for what she has already expended towards completing the work; neither has the company any legal claim upon the Territory for what is claimed to be a perversion of the grant fund; and the company are the owners of the completed portion of the work, subject only to the interference of the State, which contingency, in all human probability, can never occur, as the interference of the State would in a moment subject her to an enormous liability to the General Government, or at any rate, to a payment of all the company claims, with an increase of interest."

The minority of the committee had stated in the outset of this report, that the subject had been to them, one of the most difficult and perplexing, that they had ever been called upon to investigate; however, it appears that they have freely used the ancient means of undoing the Gordian knot, in the anomalous conclusions to which they arrive; what becomes of the balance of the trust fund, and of the duties of the trustee to the grantor, after thus summarily disposing of the reciprocal claims of the Canal Company, and the trustee, upon each other, up to the present time, does not appear; but it is suggested that,

"If the resolution appended to the Constitution should be agreed to by Congress, and the lands vest in the State for

school purposes, the State might then interfere, and claim a right to the completed portion of the work, although it is impossible for us to divine any motive that could operate as an inducement for her to do so."

We extract one more reason which the minority of the committee give, for the opinion that the Canal Company and the Territory, have no further claims on each other, in relation to the trust fund.

"It is claimed by the company that the Territory has used some $80,000 that she never would have had to use, if it had not been for the company. This is true: by the act of Congress the company had the power, by withholding their own aid from the completion of the work, to prevent the object of the grant; and by throwing so many, and great liabilities and difficulties around the matter, as to prevent the State, the *actual cestui que trust*, from ever claiming the benefit of the donation, *become itself the owner of the whole grant.* But, at the same time, the trustee had the power to *divert the trust fund*, and entangle the company in the very difficulty of which they now so bitterly complain. The Territory *did interfere*, and by an act of *legislative rascality*, equal to that of which the company *might have* availed themselves—and of which they have *been accused*—put the money into her own pocket, where, as we believe, no power can reach it. Upon this score, ought not the Territory and company be willing to cry quits, shake hands and become friends? Both had an opportunity of deriving *greater benefits* from the grant than *has been derived by either*, and each has *gouged* the other *slightly!*"

We pursue this singular and strange report no further; the views entertained by the minority of the committee do not appear to be in accordance with the terms of the canal grant, the legal duties of the trustee, the rights of the *cestui que trust*, nor the remedies secured to her by operation of law. The assertion of the State being the real trustee, and the suggestion of settlement between the Canal Company and the Territory, by each keeping what it has already

received and crying *quits*, is remarkable for its novelty. Equally novel and singular is the idea thrown out, that the Canal Company had it in its power to *prevent the object of the grant*, by throwing difficulties in the way of *completing the canal*, so as to prevent the *State, the actual cestui que trust* from claiming the benefit of the donation.

But enough on this extraordinary report. It concludes with reporting a bill to settle the affairs of the Canal Company in accordance with the principles of honesty and fair dealing, as between the Territory and the company. It is signed by M. M. Cothren, E. T. Gardner, and C. Pole.

It is of little importance at this day to inquire into the provisions of the two bills as reported by the majority and minority of the committee, as they were both considered in committee of the whole, on the 4th of March, 1848, and both reported back to the House, amended, by "striking out all after the enacting clause, in each;" they were then laid on the table, and never afterwards disturbed. Thus terminated the last attempt at a settlement during the existence of the Territorial government.

On the 13th of March, 1848, a joint resolution was adopted by both Houses, "That the register of canal lands should ascertain the number, and names of all persons who have purchased lands on the Milwaukee and Rock River Canal Grant prior to January 1847, and paid to the Territory for the same, a sum exceeding one dollar and twenty-five cents per acre. And if he shall ascertain that any person has so paid a greater sum than $1 25 per acre, he shall certify the fact to the receiver of moneys for the sale of canal lands, whose duty it shall be to repay such person the amount paid by him, over and above the sum of one dollar and twenty-five cents per acre."

The following is the action of the Legislature under State government in relation to the canal, and canal lands.

The State Constitution was adopted on the second Monday in March, 1848. It contained an appended resolution, requesting Congress so to alter the provisions of an act of

Congress, entitled, "An act to grant a quantity of land to the Territory of Wisconsin, for the purpose of aiding in opening a canal to connect the waters of Lake Michigan with those of Rock River," and so to alter the terms and conditions of the grant made therein, that the odd numbered sections thereby granted, *and remaining unsold*, may be held and disposed of by the State of Wisconsin, as part of the five hundred thousand acres of land to which said State is entitled by the provisions of an act of Congress, entitled, "An act to appropriate the proceeds of the sale of the public lands, and to grant pre-emption rights, approved the fourth day of September, eighteen hundred and forty-one." It was also asked of Congress, that all these lands be devoted to purposes of education.

By the act of Congress for the admission of the State into the Union, Sec. 2, the assent of Congress is given to the said resolution, with this proviso: "That the liabilities incurred by the Territorial government of Wisconsin, under the act entitled, 'An act to grant a quantity of land to the Territory of Wisconsin, for the purpose of aiding in opening a canal to connect the waters of Lake Michigan with those of Rock River,' shall be paid and discharged by the State of Wisconsin."

At the first session of the State Legislature, held in June, 1848, their attention was directed to the subject of the canal lands, and a report of a committee on resolutions relative thereto, together with the Message of the Governor on the same subject, exhibited the following statement:—

| | |
|---|---|
| The quantity of land granted by Congress, in aid, &c. . . . . | 139,190,89$\frac{1}{100}$ acres. |
| From that quantity has been sold . | 104,491,49$\frac{1}{100}$ " |
| Leaving unsold . . . . . | 34,699,40$\frac{1}{100}$ acres. |
| Amount of sales, as per reported quantity sold at $1 25 per acre . . . . . | $130,614 36 |
| Amount paid to Treasurer (Territorial) . . . | 95,761 42 |

| | |
|---|---|
| Deficits to be accounted for by the officers charged with the fiscal concerns of said lands . . . . . | $34,852 94 |

The committee recommend that the offices of register and receiver of canal lands be abolished.

This was accordingly done by act of July 25th, 1848; and by the act of March 26th, 1849, The secretary and treasurer of the State of Wisconsin were authorized to assign and transfer all interest of the State in and to any of the lands mortgaged to the Territory of Wisconsin in pursuance of any law of the Legislature of the Territory to provide for the sale of lands granted by Congress "for the purpose of aiding in opening a canal to connect the waters of Lake Michigan with those of Rock River," to any person applying for such assignment, upon the payment to the treasury of this State, the full amount due upon any such mortgage, estimating the same as provided in the act to which this is supplemental. By act of March 27th, 1849, patents to purchasers were authorized to be issued by the governor of the State.

By act of February 8th, 1850, the Governor, Secretary of State, and Treasurer were authorized and empowered to settle with, and audit the accounts of David Merrill, receiver of canal lands, and to ascertain the balance due from said Merrill to the State of Wisconsin.

After such balance is ascertained, the said Merrill immediately to pay over the same in full to the state treasurer, and to deliver over to the said officers all books, papers, vouchers, bonds, and mortgages, which may have come into his hands as such receiver; the said treasurer to receipt for the same; and the said Merrill and his sureties shall thereby be discharged from all claims, and liabilities to the State of Wisconsin for or on account of his acts as receiver, &c. Provided such settlement shall be effected before the first day of July, 1850.

By act of February 9th, 1850, the interest of the State in the canal dam across Milwaukee River, and hydraulic power, with their appurtenances, created by the State, or by the Milwaukee and Rock River Canal Company, or by both, on or near said river, and also the interest of this State in the said company or its stock, shall be sold under the directions of the governor of this State at public auction to the highest and best bidder, at such time and place, and on such terms of payment as the governor shall direct. Provided that he may refuse to accept such bid, if he shall be of opinion that the price offered is too small.

By act of April 2d, 1853, any person indebted to the Territory or State of Wisconsin for the purchase of canal lands, who shall have executed a mortgage to secure the payment of the purchase-money, or any part thereof, or become liable to pay the same by subsequent purchase or assignment from the original purchaser, may, before the first day of January, 1854, discharge the same by payment to the State treasurer of the amount of the principal, *without interest*, computing the land at the rate of one dollar and twenty-five cents per acre.

Several efforts have been made by the Canal Company to obtain a final settlement with the State of all their affairs, but hitherto without success. At the session of 1849, a bill passed both houses, to provide for such final settlement, but it was returned by the governor with his *veto*, for the reasons, that it exempted certain property from taxation, and therefore contravened the Constitution, which declares that "the rule of taxation shall be uniform;" also that the bill was unconstitutional, and in derogation of the ordinance of 1787, and the act of Congress authorizing the formation of State government, inasmuch as the common highway of the Milwauke River, would be obstructed by the enactments in the bill. The bill did not pass by the constitutional majority, on being reconsidered.

Another attempt was made for a final settlement in 1850, but the bill was negatived in the Senate.

A bill authorizing a final settlement with the Canal Company, by the appointment of commissioners to settle and adjust all matters on legal and equitable principles, with the right of an appeal from their award to the Supreme Court, was introduced in the Senate at the session of 1854, and was passed by that body, but in the House of Assembly it was negatived. The long withheld rights of the Canal Company; the justice due to it on part of the State; the attitude in which it stands, seeking the most amicable adjustment and final settlement of its claims; the wise policy of government, in having all questions of legal controversy between the ruling power and the party governed, immediately disposed of, as a protection to the weak, and a satisfaction to the complaining party; all imperiously demand a speedy settlement between the State and the Canal Company.

From the history of the company, as above given, the following conclusions appear fully established:

1st. That the Territorial Legislature did incorporate the Canal Company, and clothe it with full authority to "construct and maintain" a canal from Milwaukee to Rock River, giving it complete and entire jurisdiction over said work, or so much thereof as should be completed within ten years, from the date of the act; and that the powers and privileges of the company are perpetual, unless voluntarily surrendered.

2d. That these powers and privileges were fully confirmed by Congress.

3d. That the Legislature did authorize said company to apply to Congress for an appropriation of land to aid in the construction of the canal.

4th. That the company, in pursuance of such authority, did apply to Congress, and did obtain the grant of land commonly known as the canal grant.

5th. That, in making said grant, Congress confided to the Legislature, as trustee, the disposal of the land, and the application of the proceeds thereof to the construction of the canal, and for no other purpose whatever.

6th. That the Legislature did undertake to perform the

duties of trustee, in pursuance of the act of Congress, and did sell a considerable part of said land, and did apply a part of the proceeds thereof in payment of work done on the canal.

7th. That, after having undertaken and exercised the duties of trustee, and having given countenance and aid to the canal for about four years, the Legislature did refuse to apply the further proceeds of said land in aid of said canal, and did refuse further to perform the duties of trustee in that behalf.

8th. That the Legislature did appropriate the funds arising from the sale of said land, in the nature of a loan, to purposes other than in aid of said canal, viz., to the payment of debts contracted by the Territory, and to pay the expenses of two conventions to form a constitution, amounting to $80, 000, or upwards, and for other purposes, required by the necessities of the Territory, until the amount of some $120,000, or $130,000 of the proceeds of the lands sold, was disbursed for public purposes, not contemplated by the act of Congress, but in clear violation of its provisions. For the repayment of a great portion of these moneys to the canal fund, the faith of the Territory and State have been solemnly pledged.

9th. That $31,876 97 have been paid the Legislature out of the canal fund, in aid of the canal.

10th. That the Canal Company have paid on the canal, $24,868 36.

11th. That provision is made in the act of Congress, to vest in the State of Wisconsin in fee, the said land, or so much thereof as shall remain unsold at the time of its admission, subject to certain conditions, viz., that the proceeds shall be applied to the canal: that the land shall be sold at not less than $2 50 per acre: that the canal shall be completed within ten years from the date of the grant, (June 18th, 1838,) or that the State shall pay the price for which the land was sold; but that, to make effectual these provisions, (to secure the benefits offered, and to incur the liabilities imposed,) it was necessary that the State should make a formal acceptance of the grant by act of the Legislature, after its admission.

12th. The acceptance of the grant by the State was rendered impossible, because more than half of the land had been sold at $1,25 per acre, and because the time for completing the canal expired in June, 1848, a few days after the meeting of the first State Legislature under the constitution. By the provisions of that constitution, the unsold canal lands have been appropriated to the endowment of common schools.

13th. It having, then, been rendered impossible for the State to accept the grant unconditionally, which was necessary to give the State control over it, it follows that no power over the subject can be exercised by the State; consequently, two only of the three original parties to the grant now remain, viz., the United States and the Canal Company, the Territory having merged in State government.

14th. A settlement made with the Canal Company will quiet their claims for reimbursement of the moneys of the canal fund, appropriated for other purposes by the Territory, which the faith of the State is pledged to repay; and should such canal fund and the canal charter be surrendered, then the only party to the canal grant remaining, will be the United States.

15th. The United States then, being the sole creditor of the State in such an event, there is little cause to doubt that any debt which shall have been incurred by the Territory, or State, or which has devolved on the State, in relation to the canal grant, will be cancelled by Congress, whenever the request is made by the State Legislature.

The State has accepted of the residue of the canal lands under the constitution, and the conditions prescribed by Congress, and has gone into possession of them, in common with the other lands embraced in the grant, of 500,000 acres. It cannot be presumed that the Legislature will ever desire to evade any just responsibility on the part of the State, and therefore a prompt and efficient settlement with the Milwaukee and Rock River Canal Company may with confidence be relied on.

END OF THIRD VOLUME.